

1 IN THE DISTRICT COURT OF THE UNITED STATES
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

3 UNITED STATES OF AMERICA,)
4)
4 Plaintiff,) Judge Wells
5) Cleveland, Ohio
5 vs.)
6) Criminal Action
6 JAMES A. TRAFICANT, JR.,) Number 4:01CR207
7)
7 Defendant.)

8 - - - - -
9 TRANSCRIPT OF PROCEEDINGS HAD BEFORE
10 THE HONORABLE LESLEY WELLS
11 JUDGE OF SAID COURT,
12 ON MONDAY, APRIL 8, 2002
13 Jury Trial
14 Volume 34

15 - - - - -

16 APPEARANCES:

17 For the Government: CRAIG S. MORFORD,
18 BERNARD SMITH,
19 MATTHEW KALL,
20 Assistant U.S. Attorneys
21 1800 Bank One Center
22 600 Superior Avenue, East
23 Cleveland, Ohio 44114-2600
24 (216) 622-3600

21 For the Defendant: Pro Se

22 Official Court Reporter: Heidi Blueskye Geizer, RDR, CRR
23 U.S. District Court - Room 539
24 201 Superior Avenue
25 Cleveland, Ohio 44114-1201
 (216) 861-3005

25 Proceedings recorded by mechanical stenography; transcript
 produced by computer-aided transcription.

1 MONDAY, APRIL 8, 2002, MORNING SESSION, 8:54 A.M.

2 THE COURT: Gentlemen, I'd like a side-bar
3 with you, please. Somebody has some kind of telephone or
4 something in the courtroom. Would you please turn it off.

5 (Proceedings at side-bar on the record:)

6 THE COURT: I was just given information that
7 juror number 3, Scott Grodi, had a death in his immediate
8 family. His aunt died. He's very -- he feels very
9 conflicted, but he really needs to be with his family
10 according to him. Fortunately, we have alternates.

11 So I've just gotten the information. If you
12 want an opportunity, I can bring him out and we can voir
13 dire him.

14 MR. TRAFICANT: Yeah, I want him brought out.

15 THE COURT: All right. And we've got five
16 alternates.

17 So it would be in the event that he is
18 excused from this case, then we would move the first
19 alternate into that slot.

20 MR. TRAFICANT: When did you first learn
21 this?

22 THE COURT: About four minutes ago. If you'd
23 like, we can bring him out and do a voir dire. That we
24 would do in public. Sometimes people just agree, and so --

25 MR. MORFORD: I mean, I don't see how --

1 THE COURT: But you have an opportunity to --

2 MR. TRAFICANT: I don't know how dismissing a
3 juror after all this time -- and I'm not familiar, and I
4 had nothing to do with these 105 selections in the first
5 place. I find this highly unusual the day of the closing
6 arguments for this to happen.

7 THE COURT: Okay.

8 MR. TRAFICANT: And I object to this person
9 being dismissed.

10 THE COURT: Well, he hasn't been dismissed.
11 I'm just telling you the information, and if you want me to
12 bring him out, I'll bring him out.

13 MR. TRAFICANT: I don't want to be the one
14 that's going to get the guy mad to keep him on the jury.
15 He's sworn here to be on the jury. Does he have a death in
16 the family?

17 THE COURT: Let me ask -- I got the
18 information from the deputy marshal.

19 MR. TRAFICANT: I object to --

20 THE COURT: Let him explain. Just a minute,
21 Congressman. Come back and listen to what he's telling us
22 because he may be able to answer some of your questions or
23 we'll bring Mr. Grodi out.

24 DEPUTY U.S. MARSHAL: Apparently his aunt,
25 whom he's closed to passed away. He was late this morning

1 because he was with the family. His family is sort of
2 upset that he can't be with them. He's torn because he
3 wants to be here, he's been here this long. At the same
4 time, he feels it's more important that he's with his
5 family.

6 MR. TRAFICANT: When is the funeral?

7 DEPUTY U.S. MARSHAL: The funeral is tonight.

8 MR. TRAFICANT: He can hear the closing
9 arguments and go to the funeral, and he could deliberate
10 tomorrow and go visit with his family after they continue
11 the deliberations. He can make the funeral.

12 What is such a big problem here?

13 I don't like the fact that now we're starting to play
14 around with jurors the day of the closing arguments, quite
15 frankly.

16 THE COURT: Well, honestly, we just got
17 information that somebody died.

18 MR. MORFORD: Your Honor --

19 THE COURT: Nobody is playing around.

20 MR. MORFORD: Your Honor, our position is
21 that this is a matter of personal tragedy that this person
22 had no control over whatsoever.

23 We do have alternates, and if he's in a
24 position that he doesn't feel he can sit at a time of
25 personal tragedy, we would not object. That's just our

1 position.

2 MR. TRAFICANT: Who would be that next
3 witness -- who would be the next juror?

4 THE COURT: Regina Perna is alternate 1. She
5 was sitting right here (indicating), and if you would like
6 to talk -- if you would like me to bring him out, he's
7 here. We haven't released him or talked to him at all. He
8 doesn't know anything about what we're doing here. He just
9 brought it to the attention of the marshal, who brought it
10 to my attention.

11 MR. TRAFICANT: I don't want to get a juror
12 mad. I could see the smooth ploy of the prosecutor here.

13 MR. MORFORD: It's called compassion.

14 MR. TRAFICANT: This man knows compassion
15 real well in this case.

16 MR. MORFORD: I noticed.

17 MR. TRAFICANT: The funeral is tonight. He
18 could be released to the funeral.

19 DEPUTY U.S. MARSHAL: The wake is tonight;
20 the funeral would be tomorrow. But his issue was, it is
21 more important for him to be with his family at this time.
22 It's not so much making the funeral.

23 MR. TRAFICANT: Why could the jury not
24 convene then until on Wednesday? Let the juror go forward.
25 Let him hear the closing arguments. He sat through it all.

1 And let them go forward on Wednesday.

2 THE COURT: Why don't we bring him out here
3 and let him speak for himself so that he has an opportunity
4 to say what else is happening. We're getting all of this.
5 You know, it's hard to make plans around him if we don't
6 listen to him.

7 What is your proposal? Your proposal is that we wait
8 until after the funeral?

9 MR. TRAFICANT: Wait until after the funeral
10 to send the jury. He sat through a full nine and a half
11 weeks. He understands this case.

12 THE COURT: Well, so did the alternates.

13 MR. TRAFICANT: Alternates do, but alternates
14 aren't always sure they're going to be called. This man
15 has certainly grasped this case.

16 THE COURT: Okay. Well, then let's bring him
17 out here and let him explain what his expectations are and
18 what his concerns are.

19 MR. TRAFICANT: What would be wrong with
20 holding the jury until Wednesday and let them deliberate on
21 Wednesday? Let them digest the closing arguments today or
22 whatever paperwork they have to do, they could do. I don't
23 think it's an unusual request by the defense.

24 You have ruled with the prosecution on
25 everything else.

1 THE COURT: Congressman, putting aside all
2 the other issues that are extraneous, let's find out. I
3 can send my clerk back to talk to him back there or we can
4 bring him out here. Which one do you want?

5 MR. TRAFICANT: Look, I don't want to bring
6 him out and put him on the stand and have the press have me
7 grilling a witness -- a juror that's going to get back in
8 the press to the remaining jury. Now, come on here. I
9 think it's within your scope and power and --

10 THE COURT: Well, then I'm going to need some
11 more information from him. I'll just talk to him.

12 MR. TRAFICANT: Why don't you talk to him in
13 chambers?

14 THE COURT: Okay. And then I'll come and
15 report back to you. Okay? But I think we should resolve
16 this before we go forward with closing.

17 (Proceedings had in open court:)

18 THE COURT: We're going to take a recess.
19 I'm going to talk with a juror either up here or -- that
20 will be fine.

21 (Juror Grodi and Judge Wells at side-bar on the
22 record.)

23 THE COURT: I'm sorry to hear --

24 A JUROR: That's okay.

25 THE COURT: We just need a little bit more

1 information on your family's plans and your situation.

2 A JUROR: Okay.

3 THE COURT: For example, I understand that
4 there's a wake and then --

5 A JUROR: Tonight at 6:30. It's in Port
6 Clinton, Ohio.

7 THE COURT: And then tomorrow there's a --

8 A JUROR: Funeral.

9 THE COURT: Services?

10 A JUROR: That's in Port Clinton, also. I'm
11 not exactly sure of the times of the funeral.

12 THE COURT: If we were to go through closing
13 argument today and then just not reconvene until Wednesday,
14 would that resolve this for you?

15 A JUROR: Yeah.

16 THE COURT: Okay.

17 A JUROR: If it's not too much trouble,
18 because I mean --

19 THE COURT: No. I think it's a reasonable
20 accommodation. The jury gets another day off.

21 A JUROR: Because I told everybody I wasn't
22 going to do anything, so everybody was kind of mad at me.
23 Because I know this is a big deal and everything.

24 THE COURT: If we did that and came back here
25 on Wednesday morning and I gave you the final instructions

1 and you took the case to the jury, would that take care of
2 it for you and your family?

3 A JUROR: Yeah. I just don't want to cause a
4 problem.

5 THE COURT: Well, that's all right. I think
6 the other jurors would understand.

7 A JUROR: Right. I mean, it's not so much
8 for me. It's more for my family. It's for my dad.
9 They're pretty close. My dad's brother passed away a few
10 years ago, so it's kind of hard on him. So it's more or
11 less for him.

12 But yeah, if you can do that.

13 THE COURT: Let me talk to the lawyers and
14 see if that will work out.

15 A JUROR: Okay.

16 THE COURT: All right. Thanks.

17 (The juror returned to the jury room.)

18 (Proceedings at side-bar on the record:)

19 THE COURT: He says -- he has quite a
20 distance to go, but this will work for him and that if he
21 could be with his family all day tomorrow, that that would
22 take care of all the issues and it would certainly make him
23 happy because he'd like to be able to continue. That would
24 mean we would postpone -- we'd go with closing arguments
25 now, and I wouldn't give the jury their final instructions

1 until Wednesday morning.

2 MR. TRAFICANT: I support that.

3 MR. MORFORD: Is the jury going to be
4 sequestered?

5 THE COURT: They will be when they
6 deliberate.

7 MR. MORFORD: But they won't be for the next
8 day and a half?

9 THE COURT: No. Well, they could be for the
10 next day and a half, but he won't be sequestered.

11 MR. TRAFICANT: Is this becoming the
12 prosecutor's call?

13 THE COURT: No. Just listen. This is how we
14 conduct trials.

15 MR. TRAFICANT: I'm ready to go forward with
16 closing arguments.

17 THE COURT: I understand. If you want to sit
18 down, you're welcome to do it.

19 MR. MORFORD: The only response, Your Honor,
20 would be this would be highly unusual to have the jury,
21 after closing arguments, take a day or a day and a half off
22 when we have alternate jurors who are perfectly suited to
23 sit.

24 And I mean there are concerns that the
25 government has in having the jury just out there for a day

1 and a half before we come back and have them start
2 deliberating, and just the idea that anything that could
3 happen during that time, it could end up in a mistrial and
4 having us have to go through this for another ten weeks at
5 some point, that is something that just (pause) --

6 THE COURT: So if the jury were sequestered
7 but he were permitted leave to go to the family wake and
8 the funeral, that would be a valid solution?

9 MR. MORFORD: Yeah. I'd hate to do that to
10 him when he's got the family situation he has, but that's
11 my only concern, is that what, if anything, could happen in
12 a day and a half. You just never know.

13 THE COURT: If we sequester the rest of the
14 jury --

15 MR. SMITH: That's better than the
16 alternatives available.

17 MR. TRAFICANT: I will accept a gag order.

18 THE COURT: Sir?

19 MR. TRAFICANT: If that's what you're worried
20 about.

21 THE COURT: No, I'm not worried about that.
22 You've never been under one. I'm not putting one on you,
23 but thank you anyway.

24 Okay. All right. Then that's the way we
25 will proceed. We'll go forward with closing argument now.

1 We'll resume the deliberations --

2 MR. TRAFICANT: Wednesday morning.

3 THE COURT: Yeah. But what happens Wednesday
4 morning is I have to give them their final instructions
5 before they go to deliberation.

6 MR. TRAFICANT: And we'll appear at 9:00.

7 THE COURT: All we're going to have today is
8 closing argument.

9 MR. TRAFICANT: That's fine.

10 THE COURT: Okay?

11 MR. TRAFICANT: That's fine. I would like to
12 know at some point what the last phase of these closing
13 arguments consist of, and I want joint exhibits explained
14 more thoroughly to this jury.

15 THE COURT: Well, the jury has already had
16 their instructions on joint exhibits and they have a book,
17 and the instructions are in it, so there's no problem with
18 that part of it.

19 I don't understand the first part of your
20 question.

21 MR. TRAFICANT: Don't you have a fourth part
22 that you are yet to share with the --

23 THE COURT: Right. We give them that right
24 before they go to deliberate. And once they're given that,
25 they're back deliberating.

1 MR. TRAFICANT: Do we get that at the same
2 time or do you give us that in advance?

3 THE COURT: You've had it all along.

4 MR. TRAFICANT: I have?

5 THE COURT: Yes.

6 THE CLERK: It's in the binder.

7 MR. TRAFICANT: I think I just submitted a
8 motion for you to be fair and honest.

9 THE COURT: Thank you.

10 MR. MORFORD: And you were.

11 THE COURT: Thank you. Anyway, now we're
12 going to go with closing arguments. Is everybody ready?

13 MR. MORFORD: Yes.

14 MR. TRAFICANT: Do you have any idea how long
15 your opening is going to be, counselor?

16 MR. MORFORD: It's about two minutes.

17 MR. TRAFICANT: I don't blame you.

18 (Proceedings had in open court:)

19 MR. TRAFICANT: Excuse me, Your Honor. Could
20 we have some notice --

21 THE COURT: Let's put the --

22 MR. TRAFICANT: Could we have some notice of
23 where we are in our 90 minutes? Could we get a 30 minute
24 notice?

25 THE COURT: I think we can arrange that. Can

1 we arrange that?

2 MR. TRAFICANT: How would we do that?

3 THE COURT: He'll put his arm up.

4 MR. TRAFICANT: I don't -- if I don't see his
5 arm, can he stand up?

6 THE COURT: No. He has a lot of other
7 responsibilities.

8 MR. TRAFICANT: Okay.

9 THE COURT: Are you ready, gentlemen?

10 MR. MORFORD: Yes, Your Honor.

11 (Jury in at 9:09 a.m.)

12 THE COURT: Good morning.

13 JURORS: Good morning.

14 MR. TRAFICANT: Good morning.

15 THE COURT: Ladies and Gentlemen of the Jury,
16 as you know, under the law, the United States in a criminal
17 case is permitted to make the first and the last closing
18 argument. After the first United States' closing argument,
19 the defendant may make his closing argument, and then the
20 United States may close. So it is in every criminal case,
21 and so it will be in this case.

22 Each side has a total of 90 minutes, which they may
23 use for closing argument. The government is permitted to
24 apportion its time as it chooses. Neither side is
25 required, of course, to use the entire time allotted. 90

1 minutes is a limit. It's not a requirement.

2 The purpose of closing arguments is to assist you,
3 the jury, in analyzing, evaluating, and applying the
4 evidence which has been admitted in this case. Although
5 reasonable inferences can be argued to you from evidence,
6 material misstatements of the evidence or personal attacks
7 on the other side have no place in closing arguments.

8 And now sit back and the lawyers and the pro
9 se defendant will take us through their view considering
10 the evidence that you've all heard admitted in this case.

11 For the government.

12 MR. MORFORD: Thank you, Your Honor. Good
13 morning one last time on this last day of the trial.

14 We've been together for eight weeks, and if
15 you will recall way back eight weeks ago, I told you that
16 the evidence in this case was going to establish that
17 Congressman Traficant used his official actions for
18 personal profit, first by paying certain employees high
19 salaries, and then having those employees make kickbacks to
20 him; second, by having congressional staff members do work
21 at his farm and on his boat; and third, by seeking and
22 obtaining thousands of dollars worth of free construction
23 work, farm supplies, farm chores, boat repairs, and cash
24 from businessmen who were seeking constituent services,
25 which are official acts from his office.

1 And that is exactly what the evidence has
2 established in this case. Now, in the case of overwhelming
3 evidence that's been presented by the government in this
4 case, Congressman Traficant has asserted that he is a
5 courageous, compassionate, outspoken Congressman who worked
6 hard to create jobs for his constituents. But if you think
7 about the issue in this case under the charges that we
8 filed in this case, they are not whether Congressman
9 Traficant was good or effective. Those things are not
10 relevant to this case, for Congressman Traficant is not
11 charged with being an ineffective congressman.

12 What he's charged with is, he's accused with
13 doing things that were corrupt, whether he was effective or
14 not.

15 He's charged with using his official actions
16 to obtain personal gain. And the law, as Judge Wells told
17 you on Friday, is very clear. A federal official cannot
18 accept things of value in return for his official actions
19 as a federal official, period. There's no question about
20 that. The law is clear.

21 He can't use his position to feather his own
22 nest. He can't use his public office as a trough to feed
23 his selfish appetites.

24 His duty is to serve the public interest, not
25 his personal desires. His office is a public trust. It's

1 not a gravy train. And his staff members are public
2 servants; they're not his personal servants. And that's
3 why if Congressman Traficant wanted to put an addition on
4 his farmhouse, if he wanted to have people come out and
5 have a crew of people come out and help him bale his hay,
6 if he wanted to have his boat repaired or to have performed
7 many of the other things you heard about in this case, he
8 needed to do what every other American has to do. He
9 needed to go out and hire workers and he needed to pay them
10 for the full value of their work, just like everyone else
11 has to do.

12 You see, a Congressman can't ask for tips.
13 He's not a waiter who can stand around with his hand out
14 because he performed good service for someone. We don't
15 allow our public officials to do that.

16 He's not allowed to use his official duties
17 to obtain things of personal value, no matter who he is, no
18 matter how powerful his office is, no matter how effective
19 he is, regardless of his party affiliation, regardless of
20 his voting record, no matter how much bacon he brought home
21 to his home district, no matter how great an athlete he
22 was, and regardless of his sense of humor or his personal
23 charisma, or anything else.

24 The law is still the law, and no man is above
25 the law, including the men who make the law.

1 During the course of this trial, Congressman
2 Traficant questioned a number of our witnesses about their
3 plea agreements. And as I told you in my opening
4 statement, there were five of our 55 witnesses who did have
5 plea agreements. But I want you to imagine something for a
6 minute. Imagine if you found out that in carrying out my
7 official duty of negotiating plea agreements with
8 defendants who have been charged, imagine that in the
9 course of doing, that I had had those plea agreement
10 witnesses come out to my house during the very time I was
11 negotiating with their attorneys, and saying that I would
12 make a recommendation to the Court that they would receive
13 less time than they would had they gone to trial, they're
14 going to get something of value to them, and at the same
15 time I'm carrying out my official duties.

16 Imagine if I'd gone to one of those plea agreement
17 witnesses and had him come out to my house and paid
18 carpenters and electricians to do \$30,000 worth of home
19 remodelling work on my house. Would you have a problem
20 with that?

21 And imagine at the same time, you found out
22 at the very same time I was negotiating a plea agreement
23 with Tony Bucci, I had the Buccis come out to my house and
24 do \$10,000 worth of landscaping work. And when they
25 presented me with a \$10,000 bill, I told them I didn't want

1 to pay it, and at the very same time I was negotiating
2 their plea agreement they agreed to let the debt go,
3 \$10,000 in my pocket.

4 And imagine if at the same time I was
5 negotiating the plea agreement with Dave Sugar, if I had
6 Dave Sugar come out to my house at the very time I was
7 negotiating and sending a crew out and a backhoe to dig
8 around my foundation and replace my drain tiles because my
9 basement was leaking, and I didn't want to have to pay
10 somebody \$10,000 to do the work.

11 In the face of this pattern of misconduct,
12 would it matter whether I was courageous or tenacious,
13 likeable or funny, hard working or successful, in my other
14 duties. The point is simple. These other things may be
15 interesting, but they're not relevant to the charges in
16 this case.

17 So let's take a look at what is relevant to
18 this case, the evidence that actually relates to the ten
19 offenses that have been charged in this case.

20 Now, as Judge Wells told you on Friday, there
21 are ten counts that are charged in this indictment, and she
22 reviewed those counts with you, and I'm not going to go
23 into them in detail because you're going to have two
24 things. You're going to have Judge Wells's instructions
25 which lay out these charges, and you're going to have the

1 indictment.

2 And the indictment explains in detail all of
3 the facts that are alleged to support these charges. But I
4 just want to go through this briefly. Counts 1 through 4,
5 and Count 7, charge conspiracy offenses. Count 1 charges
6 that Congressman Traficant entered into an agreement with
7 the Buccis, and with the help of Chuck O'Nesti, to engage
8 in a pattern of conduct that would violate the bribery
9 provision of the federal bribery statute.

10 Counts 2, 3, and 4 charge that Congressman
11 Traficant entered into an agreement, in Count 2 with Sugar,
12 Count 3 with Cafaro, in Count 4 with Sinclair, and there
13 were other people involved, as well, and that the agreement
14 was they would engage in a course of conduct that would
15 violate the gratuity provision of the federal bribery
16 statute.

17 Count 7 charges that Congressman Traficant
18 entered into an agreement with a number of his employees
19 that he would defraud the United States by having certain
20 employees kick back salaries, do farm work, or do boat
21 work.

22 Count 5 actually charges the crime of
23 gratuity as relates to the Sinclair kickbacks.

24 And Counts 8 and 9 charge false tax returns
25 for 1998 and 1999 for the things of value that Congressman

1 Traficant received in those two years.

2 And finally, Count 10 charges RICO, and I do
3 want to talk about the RICO count just a little bit.

4 When you boil down the RICO count, it
5 actually boils down to something very simple, very
6 straightforward. What it says is that Congressman
7 Traficant used his position and his office, the office of
8 Congressman Traficant, which is the enterprise that's
9 charged in this case, and he used that office to commit a
10 pattern of bribery, illegal gratuity and fraud offenses,
11 period. That's it. And as Judge Wells instructed you, the
12 government has to prove five things to establish the RICO.

13 First, the evidence has to establish the
14 existence of a legitimate enterprise. And the evidence in
15 this case, as you will recall testimony of witness after
16 witness, established this enterprise requirement by showing
17 that Congressman Traficant and his congressional staff
18 members, both in the Youngstown area and back in
19 Washington, associated together to carry out the duties of
20 Congressman Traficant in something we call the office of
21 Congressman Traficant. That's the enterprise.

22 Second, the evidence shows that this
23 enterprise had an impact on foreign or interstate commerce,
24 and you will recall that one of the things, one of the
25 functions of the office was to provide constituent

1 services, which they did, to businesses that engaged in
2 interstate commerce, and in the case of Bucheit, foreign
3 commerce.

4 Third and fourth, the evidence has to show
5 that Congressman Traficant was associated with the
6 enterprise. Obviously, he was. And that he participated
7 in the affairs of the enterprise. Obviously, he did.
8 Those are not even in dispute.

9 And finally, fifth, the evidence has to show
10 that Congressman Traficant used his position and the office
11 of Congressman Traficant to commit a pattern of offenses --
12 we call them racketeering acts, but that's just a legal
13 word -- a pattern of offenses that included bribery,
14 illegal gratuity, and mail fraud. And although we allege
15 seven, you only have to find he participated in two.

16 But Ladies and Gentlemen, if you think about
17 the evidence in this case, you will realize there was a
18 pattern of misconduct that was repeated over and over and
19 over again, and it's important as we go through this
20 evidence that you remember that pattern. It's important as
21 you get back to the jury room and you start looking at the
22 evidence and talking about the testimony that you always
23 keep in mind the pattern in this case, because the pattern
24 is so very important, a pattern in which Congressman
25 Traficant would perform official acts for someone.

1 He then would ask that same someone shortly
2 thereafter to come out and do something for him, to either
3 give him a kickback for the official act of hiring them and
4 giving them a high salary, or to come out to the farm and
5 do work after he's gone to bat for their business.

6 Oftentimes he would ask for something small
7 at first, and then once he got them out there, he would add
8 on, add on, just like Sandy Ferrante told you he would do
9 to people.

10 He would then ask them to do more and more,
11 but in the end, he failed to pay them the full value of
12 what he received from them. Why? Because of what he had
13 done for them in his official position doing official acts
14 that were beneficial to them. That's the pattern, and it
15 was repeated over and over and over again.

16 Now, as we review the evidence of this
17 pattern, watch for two other very important things: Watch
18 for the substantial amount of physical evidence that
19 corroborates that pattern. There are six books filled with
20 physical evidence, bills and invoices, checks, bank
21 records, deeds, burned envelopes, cash, memos, letters,
22 handwritten notes and lists, congressional records. The
23 list goes on and on. Physical documents that you can hold
24 in your hand that you can read, that you can look at, that
25 you can determine the exact date that he did something or

1 the exact date that he received something.

2 Also notice the large number of independent
3 witnesses, people that did not have plea agreements, people
4 that did not have immunity, people that came in to
5 corroborate exactly what the plea agreement witnesses were
6 telling you was what they had experienced.

7 Indeed, you cannot -- you can even go so far
8 as to set aside the testimony of the plea agreement
9 witnesses. Set aside Tony Bucci's testimony or Cafaro's
10 testimony or Sugar's or Sabatine's, and just look at the
11 documents and look at the independent evidence, and see
12 what that tells you before you even consider their
13 testimony.

14 Second, focus on the large number of things
15 that are not in dispute in this case. First, that
16 Congressman Traficant did, in fact, perform the official
17 acts that were charged. Ask yourself as you listen to
18 Congressman Traficant and as you think about the evidence,
19 was it even disputed? He did these things. That's not in
20 dispute.

21 Second, that the recipients of those acts
22 gave Congressman Traficant something of value. It's not
23 disputed that the Buccis were out at the farm working or
24 the -- or that Cafaro did the work on the boat or that
25 Sugar was out at the farm working, or Tyson. All these

1 different people, they were there. It happened.

2 Third, that Congressman Traficant failed to
3 pay the full value of the things he received. That's not
4 even in dispute. Sometimes a witness who was a crony of
5 Congressman Traficant would try to explain why that was,
6 like Greg Tyson saying we came out and did a lot more work
7 than he expected. When he's telling you that, what's he
8 telling you? He's saying, yes, right after Congressman
9 Traficant went to bat and got me the loan, yes, I did come
10 out here and did work, and, yes, we did do a lot more work
11 than he paid us for, and then he tries to explain it away.

12 But the key is, those three things aren't in
13 dispute, and they're not in dispute in every one of these
14 situations. That's where you start in this case, before
15 you even consider the testimony of the plea agreement
16 witnesses.

17 And then when you finally consider the
18 testimony of the plea agreement witnesses, ask yourself
19 this question: Does the testimony make sense in light of
20 the independent corroboration of physical documents, the
21 independent testimony of other witnesses, the facts that
22 are not in dispute, the repetitive pattern that's repeated
23 over and over and over and over again?

24 And use your own common sense, because that's
25 why you're here. That's what this is all about. You're

1 brought in because you have common sense. You don't have
2 legal training. And that's your job, to put your common
3 sense together with the facts in this case and draw
4 conclusions.

5 So let's start where the evidence started
6 during the trial, with the Allen Sinclair kickbacks. As
7 you will recall the testimony in this case, the essential
8 deal between Congressman Traficant and Allen Sinclair was
9 this: Congressman Traficant came down on Sinclair, and he
10 said, "I'll put you on my staff. I'll let you continue to
11 practice your private law practice on a full-time basis
12 with no supervision. I'll pay you \$60,000 a year. I'll
13 continue to have the government rent space and pay you rent
14 in the building you're buying from Henry DiBlasio, and then
15 you'll give me \$2500 cash each month."

16 Congressman Traficant, doing official acts,
17 hiring Allen Sinclair, setting his salary at \$60,000,
18 letting him continue to practice law on a full-time basis,
19 giving him minimal supervision, minimal duties, and then
20 renting office space from that building, all official
21 contacts by the guy that's in charge of the office. And
22 then Allen Sinclair giving kickbacks of \$2500 a month,
23 something of value to Congressman Traficant.

24 Allen Sinclair said that he talked to Henry
25 DiBlasio about how to make the kickbacks because that's

1 what Congressman Traficant told him to do. And when he did
2 so, Henry DiBlasio admitted to him that, yes, he, too, had
3 had to make kickbacks to Congressman Traficant. And he
4 explained how Allen Sinclair should make those kickbacks.

5 Allen Sinclair's kickbacks are corroborated
6 by both independent testimony and substantial physical
7 evidence.

8 First, you saw the deposit slips, the
9 treasury checks, the bank statements, the summary of Agent
10 Semesky summarizing those documents. And sure enough, just
11 like Allen Sinclair said, lo and behold every single month,
12 from the month he received his first full congressional
13 paycheck until the month that the FBI finally interviewed
14 him, he kicked back -- he took out \$2500 in cash from every
15 single paycheck, 13 months, totaling \$32,500.

16 Second, the office salary structure
17 established by the congressional records shows that
18 although Allen Sinclair was hired without any meaningful
19 experience or qualifications, he was paid more than anybody
20 else in the entire office with the exception of the
21 Washington chief of staff, Paul Marccone.

22 Think about that. The legislative director,
23 Dan Blair, had been working for the office for years. He's
24 got one of the most important jobs. He's the director of
25 legislation of a congressional office in Washington where

1 you have a very high cost of living compared to Youngstown,
2 and yet he's making \$6,000 less than Allen Sinclair, who
3 has no experience. He's a personal injury lawyer. He has
4 no background in economic development, and he's making more
5 than Dan Blair. He's the second highest paid employee in
6 the whole office.

7 You heard the testimony of Paul Marcone,
8 Congressman Traficant's loyal chief of staff, who
9 vigorously opposed the hiring of Allen Sinclair at such a
10 high salary because, as he told you, it made no sense. It
11 seemed like a waste of taxpayer money, and it was causing
12 friction with other employees like Dan Blair, who couldn't
13 understand why that was happening.

14 And think about it, Ladies and Gentlemen.
15 Who was Paul Marcone? Paul Marcone was the Congressman's
16 long-time chief of staff, his friend, his confidante. He
17 stood on the stand and said, "This is the hardest thing
18 I've ever had to do in my life." He didn't want to be
19 here. He loved that man. He didn't have immunity. He
20 didn't have a plea agreement.

21 Now, you heard the testimony of Paul Marcone
22 that Congressman Traficant allowed Allen Sinclair to
23 maintain a full-time law practice at the same time he was
24 supposed to be a full-time congressional employee. And
25 finally, there are congressional records that establish

1 that just as he promised, Congressman Traficant did
2 continue to use taxpayer funds to lease space in the
3 building Allen Sinclair had just purchased from Henry
4 DiBlasio, despite the fact that Congressman Traficant had
5 another office just five miles away, despite rules that
6 prohibit a Congressman from renting space from an employee,
7 despite the serious concerns that were raised by Paul
8 Marcone that this was highly irregular and this should not
9 happen.

10 There's also substantial evidence to
11 corroborate what Allen Sinclair told you that Henry
12 DiBlasio told him, that Henry DiBlasio was also kicking
13 back. First, you had the testimony of Jackie Bobby, who
14 testified that Henry DiBlasio had once confided to her that
15 he was having to kick back salary to Congressman Traficant.
16 And when did that occur? Henry DiBlasio didn't tell that
17 to a law enforcement officer during the investigation in
18 order to get a deal. He told it to Jackie Bobby years ago,
19 in the late 1980s, at a time when he was complaining, one
20 employee to another.

21 Congressional pay records establish from 1996
22 to 1998, just like Allen Sinclair was in 1999, Henry
23 DiBlasio was the second highest paid employee in the
24 office. With the exception of Paul Marcone, he was the
25 highest.

1 And remember what Paul Marcone testified?
2 They had an underpaid legislative staff in Washington,
3 D.C., and it was causing morale problems in Washington,
4 D.C. West Richards told you the same thing. And at the
5 same time that they had an underpaid Washington, D.C. staff
6 compared to the other offices, Paul Marcone told you they
7 were the sixth highest salaried office out of 435
8 congressional offices.

9 And when I asked Paul Marcone why that was,
10 he said because Allen -- or because Chuck O'Nesti and Henry
11 DiBlasio were paid so much money. That put their whole
12 salary structure at the high end of Washington, and the
13 Washington staff at the low end.

14 Third, Congressman Traficant allowed Henry
15 DiBlasio to maintain his law practice on a full-time basis
16 at the same time that Henry DiBlasio was supposed to be the
17 administrative assistant in charge of all the offices, that
18 job that everyone from Paul Marcone all the way down to
19 Anthony Traficanti, the Congressman's own friend and
20 current employee, told you he did not perform.

21 Fourth, numerous employees, including Jackie
22 Bobby, Grace Kavulic, West Richards, Paul Marcone, and
23 Congressman Traficant's own, witness Anthony Traficanti,
24 testified that staff members regularly complained about the
25 fact that Henry DiBlasio was getting such a high salary and

1 doing such little work.

2 Bank records show that Henry DiBlasio cashed
3 every one of his paychecks as far back as we could get
4 paychecks, all the way back to 1996, he cashed every
5 paycheck for cash except one, and on that one paycheck, two
6 days later he withdrew a thousand dollars worth of cash.

7 And you know what's interesting? If you
8 remember Jackie Bobby's testimony, she said that on one
9 occasion, Chuck O'Nesti, in addition to complaining that he
10 had to kick back, told her the amount he had to kick back.
11 And do you remember the amount? It was a thousand dollars.

12 So at a time you had Chuck O'Nesti kicking
13 back a thousand, Henry DiBlasio kicking back some amount,
14 he takes out a thousand the one time, and later you have
15 Allen Sinclair kicking back \$2500.

16 Six, the documents show that Congressman
17 Traficant rented space in Henry DiBlasio's law office,
18 again, despite the rule that prohibits that practice.

19 So ask yourself this: Why would Congressman
20 Traficant and Henry DiBlasio go to all the trouble of going
21 out to get a nominee like Richard Jeran to pretend he owns
22 the building, and when he doesn't want to do it anymore,
23 get another nominee, Nick Chuirazzi, to pretend he owns the
24 building? Why did they insist on maintaining this presence
25 in Henry DiBlasio's law building long after they're

1 supposed to have moved the entire office in the Federal
2 Courthouse that Congressman Traficant himself had pushed so
3 hard to build?

4 Why would they have the secretary, the office
5 manager, all the caseworkers, in one office in Youngstown,
6 and five miles away have Congressman Traficant and Henry
7 DiBlasio hanging out in a separate building?

8 Why did they insist on keeping a small
9 presence in Henry DiBlasio's law office in the face of Paul
10 Marcone's strong objections? And you not only heard Paul
11 Marcone testify about it, you saw the memo he wrote at the
12 time in which he raises strong objections that keeping a
13 second office in Henry DiBlasio's law building would strain
14 the budget, raise serious ethical concerns, and waste
15 taxpayer dollars.

16 In the face of all that, why would they do
17 it? Why? Because Henry DiBlasio and Allen Sinclair after
18 him couldn't run their full-time law practices if they had
19 to go to the courthouse in Youngstown and work on
20 congressional matters from 8:30 to 4:30 every day like all
21 the other employees had to.

22 And remember Paul Marcone's testimony about
23 what would happen when he became concerned about these
24 things and he went and raised them with Congressman
25 Traficant as the chief of staff of the Washington office.

1 He raised the issue of renting the space at Overhill Road
2 with Henry DiBlasio. He raised the issue of renting space
3 at Overhill Road with Allen Sinclair. He raised the issue
4 of hiring Allen Sinclair at \$60,000. He raised the issue
5 when he received complaints from Jackie Bobby, Grace
6 Kavulic and Chuck O'Nesti that Henry DiBlasio was making a
7 lot of money and not doing any work.

8 And every time he raised those issues with
9 the Congressman, what did he tell you the Congressman's
10 response was? The Congressman became angry and told him,
11 "Don't worry about the congressional district office. You
12 take care of the Washington office; I'll take care of the
13 district office. It's none of your business. Stay out of
14 it."

15 And finally, remember what happened when the
16 FBI interviewed Allen Sinclair in January of 2000.
17 Congressman Traficant told Allen Sinclair not to talk to
18 the FBI. After Allen Sinclair did talk to the FBI,
19 Congressman Traficant started taking him around to
20 different places. They got in a car, but he was afraid to
21 talk because he was afraid the car might be bugged. He had
22 him get another car, and even after he got another car, he
23 was still afraid to talk. He'd put his finger to his lips.
24 He'd talk in code.

25 They finally ended up in Allen Sinclair's

1 basement. And what happened when they got to the basement?
2 He started giving Allen Sinclair cash, envelopes full of
3 cash. Why? So that Allen Sinclair could explain when the
4 FBI started asking him detailed questions what happened to
5 the \$2500 he took out every month, because there were bank
6 records that were going to establish that every month he
7 took \$2500 cash out of his paycheck, and the FBI was going
8 to say, "What did you do with the cash?"

9 And Allen Sinclair wasn't going to be able to
10 explain how he spent the cash because he'd given it to the
11 Congressman. The idea was if he could give them a bundle
12 of cash, he could say I'm still sitting on 24,500 of it and
13 I spent the other 8,000. 8,000 is a lot easier to explain
14 than 32,500.

15 What happened in the basement? Congressman
16 Traficant started opening up envelopes, envelopes that had
17 the handwriting of Henry DiBlasio saying J.T. personal on
18 them and taking out cash and having Allen Sinclair count
19 the cash.

20 Then he told Allen Sinclair to take and burn
21 the envelopes, and he hovered over him while Allen Sinclair
22 burned the envelopes with a butane torch.

23 The Congressman gave him \$16,000 in the
24 basement and then started worrying that that still wasn't
25 enough because Allen wouldn't be able to explain away

1 \$16,000, so that night, he gave him another \$2500 and
2 another stack of these envelopes to burn.

3 And Allen Sinclair told you it was one of the
4 most difficult times in his entire life. He was feeling
5 pressure like he never felt before. His father had just
6 had a stroke and was about to die. He was being drawn into
7 a conspiracy to obstruct justice, and as he sat in his
8 basement in the corner and started to burn these envelopes,
9 he broke down and started to shake and started to cry. And
10 he said, "I can't do this," and he put the envelopes out.
11 And he gathered them up and he took the cash, and he took
12 the envelopes, and he brought them to the FBI. This is
13 physical evidence. You held it in your hands; you looked
14 at it.

15 Employees, including Henry DiBlasio's own
16 personal secretary, looked at this envelope and said that's
17 definitely Henry DiBlasio's handwriting. And you can look
18 at other evidence in this case and compare it and draw your
19 own conclusion that that is definitely Henry DiBlasio's
20 handwriting.

21 A few days later, Congressman Traficant,
22 still worried that the 18,500 wasn't enough cash, gave
23 Allen Sinclair an additional \$6,000 cash, bringing the
24 total to \$24,500.

25 He also left Allen Sinclair notes, notes that

1 you read and saw, notes that he had to leave because he had
2 to go to Washington and hadn't had a chance to talk to
3 Allen Sinclair. And he wanted to put words in Allen
4 Sinclair's mouth so if Allen Sinclair went to the grand
5 jury, he could tell a tale that would help Congressman
6 Traficant. The same thing he tried to do with Paul Marcone
7 when he pulled him out to the hall and brought him down by
8 the elevator and started trying to put, as Paul Marcone
9 told you, words in Paul Marcone's mouth.

10 You can look at those letters, and what's
11 interesting as you look at those notes, you'll notice that
12 his story between the notes doesn't even -- isn't even
13 consistent.

14 In addition to the evidence of the Sinclair
15 and DiBlasio kickbacks, you heard additional testimony
16 about the kickbacks of Chuck O'Nesti to congressional
17 employees who were there from day one. Jackie Bobby and
18 Grace Kavulic told you over the years Chuck O'Nesti would
19 complain to them that he was having to kick back.

20 Jackie Bobby further testified, as I told
21 you, that on one occasion Chuck O'Nesti said the amount was
22 \$1,000. And it's significant to think about how and when
23 and why Chuck O'Nesti made these complaints. Again, Chuck
24 O'Nesti was not telling this to a law enforcement officer
25 after the investigation had started. These complaints were

1 made in the early 1980s and mid 1990s at a time when there
2 was no investigation, at a time not when he was telling
3 something to get a deal, but when he was complaining to
4 employees that he was getting a raw deal from the
5 Congressman.

6 He was doing so at a time when he wouldn't be
7 expected to make such statements unless, in fact, he was
8 having to kick back and was upset about it.

9 And remember that they testified his
10 complaints were twofold: Number one, that he had to kick
11 back salary; and number two, that he had to pay tax on the
12 salary he was kicking back and not allowed to keep, and it
13 bothered him.

14 Now, Count 7 also charges the O'Nesti and
15 DiBlasio kickbacks as part of this overall conspiracy to
16 defraud. But it doesn't just charge those two counts. It
17 also charges that the agreement was not only to obtain
18 kickbacks from DiBlasio and O'Nesti, but also Allen
19 Sinclair. But more important, it also charges that part of
20 the agreement to defraud the government was that
21 Congressman Traficant would get free work from Buccella,
22 Rovnak, Traficanti and other employees that worked on his
23 boat during official government time while they were being
24 paid official government salaries that were being funded by
25 the taxpayers.

1 If you think about the evidence of that,
2 remember the testimony of West Richards, another loyal
3 employee of Congressman Traficant who believed in
4 Congressman Traficant and had a hard time testifying
5 against him in this case. The former chief of staff, what
6 did he tell you? He testified that Congressman Traficant
7 told him to take a group of Washington staffers and spend
8 an entire day with a group of staffers sanding and scraping
9 and painting the Congressman Traficant's boat on official
10 government time.

11 Rich Rovnak testified that he worked at the
12 farm as a handyman during office hours, and then he said
13 that sometimes he worked at the farm with George Buccella.
14 He testified that he baled hay, did handyman work and did
15 other farm chores, which is what George Buccella testified
16 to.

17 George Buccella was there between 100 and 300
18 times. He further testified that he had worked with Rich
19 Rovnak and Anthony Traficanti. Betty Manente, Congressman
20 Traficant's own witness and current employee, testified
21 that George Buccella would receive a call, tell her he was
22 going down south, leave, and the next day come back and
23 complain about how hard he had been working at the farm, a
24 farm at which Rich Rovnak and Anthony Traficanti told you
25 they had seen him work.

1 Anthony Traficanti, this favorable witness
2 for Congressman Traficant, reluctantly conceded he had to
3 go out and bale hay on the farm during official hours on
4 Thursdays and Fridays, that he felt obligated to do so, and
5 that during the times he was out there, George Buccella was
6 also out there. That was his witness.

7 Jackie Bobby and Grace Kavulic both testified
8 that Anthony Traficanti and George Buccella were out of the
9 office for long periods of time because they were working
10 at the farm, which is what Betty Manente told you was
11 common knowledge around the office.

12 And finally, West Richards testified that at
13 one point George Buccella came to him as the chief of staff
14 and said, "I'm spending too much time at the farm." And so
15 he went to Congressman Traficant, West Richards did, and
16 again, Congressman Traficant, like he did with Paul
17 Marcone, got upset and said, "That's a district office
18 issue. Keep your nose out of it."

19 Now, in addition to being part of the
20 conspiracy to defraud, the work that was done by Rovnak,
21 Traficanti, and George Buccella at the farm is also charged
22 in a pattern of racketeering as mail fraud, because if you
23 will recall, remember each of their testimony, they said
24 they performed work during official hours when they were
25 receiving official government paid salaries and that the

1 paychecks were sent by the mail, which brings us to the
2 Bucci bribe conspiracy, count number 1 in the indictment.

3 The evidence proves that Congressman
4 Traficant, Chuck O'Nesti, Tony Bucci, and Robert Bucci all
5 agreed that they -- that the office of Congressman
6 Traficant would help the Buccis, and in return for things
7 that the Buccis were going to give Congressman Traficant of
8 personal value. And completely apart from the testimony of
9 Tony Bucci -- let's set that aside -- the evidence shows
10 that the office of the Congressman did help the Buccis
11 throughout the period 1992 to '96. And the evidence also
12 shows that the Buccis went out and did work for the
13 Congressman throughout that same period.

14 Take a look at certain exhibits, Exhibit 2-6,
15 which documents that the Buccis did over \$10,000 of work at
16 the farm in 1998. Congressman Traficant refused to pay for
17 that work, and it got so bad that Tony Bucci instructed his
18 lawyer to sue the Congressman in November of 1998 for
19 \$12,900, which was the original value of the work plus the
20 interest, because he wasn't paying them.

21 Now, based on the evidence that you've heard
22 in this case about Tony Bucci, ask yourself this: Is Tony
23 Bucci the type of person that would leave \$12,900
24 uncollected without a fight? Is he the kind of person that
25 would back down without a fight? Do you really think that

1 Tony Bucci would have walked away from this dispute without
2 getting something in return?

3 And you know exactly what he did get in
4 return. He got a Congressman, a Congressman who would go
5 to bat for him over and over and over again, in even the
6 most unreasonable situations. Indeed, documents show that
7 Congressman Traficant attended a meeting in 1992 with Dave
8 Dreger where he complained about Tom Williams and the way
9 he was treating his friends, the Buccis.

10 They show how Congressman Traficant contacted
11 the Federal Bureau of Prisons in 1992 to get Tony Bucci
12 moved. They show that Congressman Traficant contacted Will
13 Baccus at the Department of Transportation, United States
14 Department of Transportation, and threatened to conduct a
15 congressional investigation if the U.S. Department of
16 Transportation tried to disbar the Buccis.

17 They showed that he sent a letter to Bank One
18 in 1994 to help the Buccis' business partner Greg Tyson get
19 a loan; that in 1995, he contacted ODOT inspector Tom
20 Williams and threatened to have Tom Williams fired.

21 As late as March, 1996, Congressman Traficant
22 was still making staff members contact the Department of
23 Labor on behalf of the Buccis, all the way into 1996,
24 despite the vehement objections of those staff members that
25 the Buccis were really bad guys and they shouldn't be doing

1 this.

2 And in May of 1996, he personally called Tom
3 Buckley at the DOL on behalf of the Buccis, all of which
4 begs this question: Why did Congressman Traficant continue
5 to go to bat for Tony Bucci? Knowing that he was a
6 convicted felon as early as 1992, continued to go to bat
7 for him in 1995 and 1996, two years after Greg Tyson had
8 told him what a dirt bag this guy was and all the terrible
9 things he had done to Greg Tyson.

10 Knowing all that, why does he continue to go
11 to bat for him? After Tom Williams told him what Bucci was
12 doing to his own constituents on Memorial Day weekend,
13 trying to use Mosquito Lake Park in 1995, and after his own
14 staffers, Paul Marcone and Jim Welfley told him they
15 shouldn't be doing anything for Bucci? There's only one
16 plausible reason why, through all of that, Congressman
17 Traficant kept going to bat for this guy. It's because
18 they were agreeing to do free work, and they did free work
19 for the Congressman.

20 You saw the to-do list in Congressman
21 Traficant's own handwriting he gave to Tony Bucci, and you
22 heard staff member after staff member look at this and say
23 that's definitely Congressman Traficant's writing.

24 You heard witness after witness identify this
25 list, and you heard Bucci's former employees come in and

1 tell you the many things they did during the early 1990s,
2 all the way through 1996.

3 You don't have to take Tony Bucci's word for
4 these things. They were documented.

5 You have testimony of people who have no
6 stake in this trial whatsoever, people like Buccis' former
7 employees, Joe Alteiro, Bruce Pierce, Merrill Whippo, Tim
8 Walsh, James Ragazzine, Don Burkey, civil servants like
9 Will Baccus, Tom Williams, Dave Dreger. These are the
10 people that Congressman Traficant demeaned and swore at and
11 threatened with congressional investigations, all because
12 they had the nerve to try to enforce the law against Tony
13 Bucci at a time when Tony Bucci was doing personal favors
14 for Congressman Traficant.

15 And as you consider their testimony, ask
16 yourselves, are all of these witnesses lying? Could the
17 documents be lying? And then think about the pattern
18 that's repeated over and over again.

19 For instance, Greg Tyson, think about the
20 testimony of Greg Tyson's friend and witness -- Congressman
21 Traficant's friend and witness, Greg Tyson. Tyson admitted
22 that he went into business with the Buccis. That's not in
23 dispute. He admitted that the Buccis tried to steal his
24 company. That's not in dispute.

25 And once again, focusing on the evidence

1 apart from Tony Bucci, what does the evidence show? Did
2 Congressman Traficant perform official acts for Greg Tyson?
3 Clearly, he did. You've got the exhibit in evidence, the
4 letter that he wrote to get him the loan.

5 You also heard the banker, and you heard Greg
6 Tyson himself admit that Congressman Traficant went to bat
7 for him and provided official acts of constituent service.

8 Number two, did Congressman Traficant ask for
9 and receive anything of value from Tyson after Tyson --
10 after he helped Tyson? Apart from the testimony of what
11 Tony Bucci told you, Joe Sattarelle testified that Tony
12 Bucci took Greg Tyson and Joe Sattarelle out to the farm
13 just after the loan where Congressman Traficant talked
14 about wanting a concrete floor poured in his barn and water
15 lines installed for his horses. And Greg Tyson himself
16 said that after Congressman Traficant helped him obtain the
17 loan, Congressman Traficant said, his words, "One of these
18 days I've got to get you out to my farm."

19 That's his own witness, his own friend that
20 said that. And there's no dispute that Greg Tyson did send
21 company employees out to the farm to do a substantial
22 amount of work. Those employees testified. John Crump
23 said he dispatched concrete trucks to the farm and
24 installed a pump. Glenn Rose installed catch basins,
25 waterlines, frost free hydrants, and dredged a creek, did

1 drain work, installed waterlines and poured concrete.

2 Even Greg Tyson admitted he sent truckloads
3 of slag and three to four guys to work on a barn wall. And
4 don't forget what Walter Diehl told you, because he's real
5 important. He said he was -- he was the bookkeeper. Do
6 you remember him? What did he tell you? He said that
7 Tyson sent workers to Congressman Traficant's farm over a
8 period of several months on and off.

9 He said that he was sent out to the farm by
10 Greg Tyson to deliver supplies and that they would charge
11 those supplies to other jobs because this was a freebee for
12 Congressman Traficant.

13 He also said that the company never received
14 any pay for the work that they did. Why would Walter Diehl
15 lie? He had no immunity. He had no plea agreement.

16 And remember, despite Greg Tyson's attempts
17 to minimize the amount and value of the work he had done
18 for his good friend, Congressman Traficant, he could not
19 deny that, in fact, his company had provided substantially
20 more work than they had been paid for even under what he
21 described to you.

22 In fact, under cross-examination, he conceded
23 the pay he received was, at best, a small amount of cash
24 that he self-described as chicken you-know-what, and a
25 horse; a horse that he conceded he never asked for, he

1 didn't want, he never took possession of, supposedly agreed
2 to on a handshake deal with no documentation, and a horse
3 he only saw twice in his whole life and doesn't even know
4 if it's dead or alive.

5 But this pattern doesn't stop with Sinclair.
6 Henry DiBlasio, Chuck O'Nesti, Bucci and Tyson. It was
7 repeated again with Pete Bucheit. And what does the
8 Bucheit evidence show? First, the evidence establishes
9 that Congressman Traficant performed two years worth of
10 work of official acts for Pete Bucheit. You know that
11 because there's document after document that Congressman
12 Traficant wrote to the United States Departments of State,
13 Commerce, the Saudi Embassy, even to King Faud himself,
14 trying to help Bucheit get this settlement.

15 Second, the evidence establishes that just
16 four months after he obtained that settlement for Pete
17 Bucheit, Congressman Traficant had Pete Bucheit go out and
18 send Dave Manevich and a crew to do what was supposed to be
19 a simple two-day deck repair job. And once he got Dave
20 Manevich out at the farm, what did he do? He kept adding
21 jobs and adding jobs and adding jobs while Pete Bucheit is
22 paying this man \$15 an hour, and ultimately has him put a
23 two-story addition on his house.

24 How do you know this happened? Because you
25 heard the testimony of Dave Manevich, Bob Gatti, Pete

1 Bucheit's daughter, and Congressman Traficant's own
2 friendly witness, Sandra Ferrante.

3 Indeed, the Congressman himself established
4 through his cross-examination of Pete Bucheit when Sandra
5 Ferrante would ask him to do additional work, they'd blow
6 her off, and Congressman Traficant himself would have to
7 come out and tell him to do the work, and only then did
8 they do it.

9 You also have the checks that Pete Bucheit's
10 company wrote to Dave Manevich, checks that total \$26,000
11 that Pete Bucheit took out of his pocket and paid to Dave
12 Manevich for the work that Congressman Traficant kept
13 asking to have done.

14 Don't forget the testimony of Tom Passewitz,
15 the electrician, and the business records from his company,
16 that showed, just like Manevich, he was brought out to move
17 an electric switch, and Congressman Traficant kept giving
18 him more and more and more duties until he'd run up hours
19 and hours of work. Bucheit ended up having to pay
20 approximately \$4,000 to this electrician. He's now out of
21 pocket \$30,000.

22 And Pete Bucheit's daughter told you, as the
23 bookkeeper of the company, they never got paid, in cash at
24 least. What ended up happening is within a year, they were
25 in another bind, and Congressman Traficant started helping

1 them in another international situation, contacting Vice
2 President Gore, Secretary Albright, the head of OPEC, and
3 others on behalf of Bucheit.

4 And when Kim Bliton went to Congressman
5 Traficant and said, "Hey, Pete Bucheit has been lying to
6 the government on some of these things," what was his
7 response? "Just keep helping Pete Bucheit," the same
8 response he gave to Jim Welfley and Paul Marccone when they
9 raised similar concerns about Tony Bucci.

10 Why? Because Pete Bucheit had something the
11 Congressman something of value. Pete paid 30,000 out of
12 his pocket to laborers, which was a gratuity.

13 How do you know it was a gratuity and not an
14 unpaid debt that Congressman Traficant intended to pay?
15 Because congressmen are required to file financial
16 disclosure forms every year, and as part of those forms
17 they are required to list their liabilities, the debts they
18 owe people. In years 1994, 1995, 1996, look at those
19 forms, and he lists no debt, no liability to Pete Bucheit.
20 Why? Because he never intended to pay Pete Bucheit. Why?
21 Because this was a gratuity.

22 But the pattern doesn't stop again with
23 Sinclair or DiBlasio or O'Nesti or Bucci or Tyson or
24 Bucheit. There's James Sabatine. And setting aside the
25 people of James Sabatine, just think what the independent

1 evidence shows. First, that Congressman Traficant
2 performed constituent services, official acts, for him by
3 going and meeting with the railroad officials and trying to
4 get him a favorable deal. You know that because Rudy Dowe,
5 the railroad official, testified to it and you saw his
6 expense report that memorializes it.

7 Second, true to his pattern, Congressman
8 Traficant asked Sabatine to do work out at the farm. How
9 do you know that? Because Angelo Delucia came in, the
10 funny guy that was supposed to tear down the building, and
11 he told you that James Sabatine brought him out to the farm
12 to look into doing some work.

13 Think about this: Why would Congressman
14 Traficant need to have James Sabatine bring out a
15 carpenter? Why is James Sabatine even in the middle of
16 this? Congressman Traficant knows all kinds of people in
17 Youngstown. He's a folk hero. You mean he can't get on a
18 phone and call a carpenter to hire? Why is James Sabatine
19 in the middle of this? The same reason Pete Bucheit was in
20 the middle of the house addition, because he just did
21 something for him and now he wants something in return.

22 And remember what Judge Wells told you on
23 Friday. It's a crime not only to accept a gratuity; it's a
24 crime to even seek a gratuity.

25 Now, what did James Sabatine do in the face

1 of Congressman Traficant's request for help at the farm?
2 He decided to cut his losses. He didn't want to get
3 entangled at the farm in the way that Bucci, in the way
4 that Bucheit had done. And he figured it would be cheaper
5 in the long run and less hassle if he just reached into his
6 pocket and took out \$2400, handed it to the Congressman and
7 said, "Thanks, but no thanks. Thank you for helping me,
8 but I don't want to do farm work."

9 But he was a little bit uncomfortable, and so
10 he said to him as he handed it to him, "Here, take this as
11 a little campaign contribution." But he told you it was
12 never intended as a campaign contribution, and you know
13 it's not a campaign contribution because Congressman
14 Traficant's campaign reports are in evidence, and there's
15 no listing of a \$2400 campaign contribution from James
16 Sabatine.

17 But again, this pattern doesn't stop with
18 James Sabatine. It's repeated with Dave Sugar. Dave Sugar
19 testified that he sought Congressman Traficant's help in
20 1999 when his son had a DUI case. Congressman Traficant
21 said he would help, and that very same day they had to
22 leave the restaurant and go out to the farm so Congressman
23 Traficant could show Sugar things he wanted done at the
24 farm.

25 And the physical evidence and the testimony

1 of Paul Marccone, Congressman Traficant's own witness, own
2 witnesses, Anthony Traficanti and Mark Colucci, clearly
3 established that Congressman Traficant performed official
4 acts for Dave Sugar. It's also not disputed that at the
5 same time, Dave Sugar did work for Congressman Traficant.

6 And what did Dave Sugar tell you about the
7 work? He told you they ended up doing about 10- to \$12,000
8 worth of work, and it was a favor for a favor. He told you
9 that after the work was done, that for a period of six
10 months, there was no payment, there were no bills, no
11 invoices, not even a discussion of cost. Why? Because it
12 was a favor for a favor.

13 And then suddenly one day in December of
14 1999, just after Congressman Traficant has learned from
15 Paul Marccone the government has subpoenaed his records and
16 he's under investigation, he suddenly, for the first time,
17 shows up waving a check for \$1142. Not the value of the
18 work that was done, but December 23, he's got this check.

19 And what does he tell him? He says, quote,
20 "The bastards are watching me real close, and I need to
21 give you this." His words, not mine. He claimed he was
22 giving Sugar every penny he could for now and would pay him
23 the rest later. Why? Because he knew he was under
24 investigation; he knew he had a problem.

25 He also told Dave Sugar the FBI would

1 probably come out to see him, he needed to cash the check,
2 and when he did, he needed to show the check as a partial
3 payment to help convince them this was a job for pay.

4 Just like he told Paul Marccone, he was going
5 on the offensive. Then in the spring of 2000, Dave Sugar
6 needed Congressman Traficant to help him get the
7 million-dollar Higbee project, and he went to him and asked
8 him for work, and again Congressman Traficant wanted
9 something, this time some little jobs, and he said he was
10 nervous about it and he was concerned. But he agreed to it
11 because Congressman Traficant was pressing him, and he
12 really needed his help on the Higbee job.

13 He told him, "I'll transport your machines,
14 it was a small job, and, "I'll pour and finish the cement
15 floor, but I won't buy the cement. You're going to have to
16 do that yourself," which Congressman Traficant did.

17 Dave Sugar was concerned about how this stuff
18 would look, so he went on his computer and he created a
19 false invoice for the 1999 work. There had never been an
20 invoice because it had never been a billed job. He also
21 created an invoice for the 2000 work.

22 And then, finally, when the FBI did show up,
23 what happened? Dave Sugar panicked. He decided he'd
24 better show that these invoices had been sent, and he
25 started creating more false invoices with dates to show

1 when they were mailed. He instructed his secretary to lie
2 to the FBI, and he himself lied to a federal grand jury.
3 He said that Congressman Traficant offered him an old piano
4 that he didn't want, but turned out to have some value, but
5 not nearly the 10- to \$12,000 value of the work he had
6 done.

7 Why did Dave Sugar create these false
8 documents and tell his secretary to lie to the FBI?
9 Because he knew he and Congressman Traficant were in
10 trouble. He was conscious of his guilt and trying to cover
11 up, but he had a big problem: Computer memories. And
12 because of that memory, Dave Sugar got caught.

13 Now, ask yourself this: If Dave Sugar's
14 dealings with Congressman Traficant were on the up and up,
15 why did he create false backdated invoices in the first
16 place and why did he drag his secretary into this mess?
17 The answer is simple: This was never a legitimate deal.
18 It was an illegal gratuity, and Sugar was trying to cover
19 it up.

20 But the pattern didn't stop there. It just
21 keeps going and going and going, like the Energizer Bunny.
22 He just doesn't stop.

23 USAG comes to him, and USAG needs official
24 acts done. And it's well-documented that Congressman
25 Traficant did major numerous official acts on behalf of

1 USAG. And there's no question about the value of these
2 official acts to USAG, because Chip Roselli told you how
3 the Cafaro Company was preparing to cut off funding in the
4 summer of 1998, unless the USAG made major progress in
5 getting FAA certification.

6 What did Congressman Traficant do? He
7 started issuing press releases at the very time they were
8 going to run out of funding, saying that J.J. Cafaro --
9 saying things J.J. Cafaro could then take to the officials,
10 his brother, and the other officials at the Cafaro Company
11 to get more funds.

12 Congressman Traficant, in the midst of doing
13 these official acts that were of such value for Cafaro and
14 his attempts to continue to fund the company, once again,
15 wanted something. He wanted USAG to help them out of a
16 bind with his rotting boat. This was not the first time
17 that Congressman Traficant had tried to use his official
18 actions to help him with his boat.

19 You know the testimony of West Richards about
20 how he had to take employees to work on the boat. Remember
21 what Tony Bucci testified to? That Congressman Traficant
22 at one point had asked him to buy the boat. And remember
23 the testimony of Bob Gatti, how he and Herb Bucheit, Pete
24 Bucheit's son, got called out to the boat and Congressman
25 Traficant showed him problems with the boat, to see if they

1 could find somebody to repair it.

2 Paul Marcone testified the boat was musty and
3 run down and smelled, and Congressman Traficant told him
4 that the boat needed repairs and that he needed to unload
5 it. He needed to get it off of his hands.

6 And with this backdrop, then consider the
7 testimony of Al Lange. During Al Lange's very first
8 interview with USAG, they start talking about his boat that
9 he needs to have moved, and suddenly, Detore and Cafaro
10 start talking about a friend who has a boat, a wooden boat
11 that they need to fiberglass. A few months later, after he
12 starts in the winter of 1998, he's taken out by Rick Detore
13 to Congressman Traficant's boat to look at it and figure
14 out what they can to help with this rotting boat.

15 By July of 1998 Cafaro had agreed to buy the
16 boat and obtained the \$26,000 check, physical evidence that
17 establishes that, during the very time that Congressman
18 Traficant was doing the official acts.

19 As you look at the evidence in this case,
20 compare the date of that check with the official acts that
21 are documented that Congressman Traficant was doing and
22 look at those dates. It's incredible.

23 Congressman Traficant decided that it would
24 look bad to the press if he sold this rotting boat to J.J.
25 Cafaro for \$26,948 at the same time he was going to bat for

1 J.J. Cafaro's company. And they decided the boat had to be
2 done another way, so they formed a scheme to have Al Lange
3 pretend he was going to buy the boat. Why? Because both
4 Al Lange and J.J. Cafaro told you: Congressman Traficant
5 was doing important favors for them, and they were going to
6 do a favor in return for him.

7 Paul Marccone testified that in 1998,
8 Congressman Traficant had him call the Ethics Committee to
9 see if it was okay to buy Al Lange's boat, but he didn't
10 tell him that J.J. Cafaro had presented the \$26,000 check.
11 He didn't tell Paul Marccone that until two years later when
12 the media began calling about the boat, and asking whether
13 or not J.J. Cafaro had ever been involved in the boat deal.

14 Marccone further testified that Congressman
15 Traficant finally did admit to the fact that he knew J.J.
16 Cafaro had presented the \$26,000 check.

17 Al Lange described the scheme that they
18 cooked up whereby he would be the mule and Cafaro would
19 provide the funds. Al Lange already had a boat. He didn't
20 need another boat, and he certainly didn't need a wooden
21 boat, and he didn't need a wooden boat that was running
22 away. He knows boats and knew what a money pit that would
23 be.

24 And you saw the documentation which
25 establishes that J.J. Cafaro did, in fact, fund these

1 transactions. And you can see the cryptic way they refer
2 to this in the beginning when they start this boat deal.
3 Look what they call it? "I just wanted to send you a
4 reminder to bring the \$3500 cash with you today when you
5 come. This money will be used for the operation that you
6 and Rick talked about."

7 Who talks like that? The CIA talks like
8 that. People that are trying to cover something up talk
9 like that.

10 Why doesn't he just say for the repairs on
11 Congressman Traficant's boat?

12 Now, with respect to the \$13,000 cash
13 payment, look at the evidence that supports that \$13,000
14 payment apart from J.J. Cafaro. Patty Drenzo testified
15 that the very day before J.J. Cafaro attended that meeting
16 with Congressman Traficant, J.J. Cafaro came to her and
17 said, "I need \$13,000 cash." And she went to the bank and
18 she got the cash, and you can see those checks. You can
19 see the date on those checks.

20 The very next day, they met at YSU, and it's
21 undisputed that J.J. Cafaro and Congressman Traficant were
22 together at that meeting at YSU. And remember what Allen
23 Sinclair told you happened in the basement the day they
24 were opening the envelopes and counting the money.
25 Congressman Traficant told him at that time that he'd

1 gotten some money from J.J. Cafaro.

2 How would Allen Sinclair know that? Allen
3 Sinclair testified to that before the grand jury in
4 February of 2000. J.J. Cafaro didn't even begin
5 cooperating until September of 2000, seven months later.
6 How in the world did Allen Sinclair know seven months
7 before J.J. Cafaro began cooperating and ever admitted to
8 the \$13,000 payment that Congressman Traficant had received
9 cash from J.J. Cafaro?

10 Then there was the testimony about the welder
11 and generator. Congressman Traficant asked Al Lange and
12 Rick Detore if they could get him an aluminum welder to use
13 because, why? He wanted to have a horse trailer built.

14 Al Lange heard Congressman Traficant and Rick
15 Detore have similar discussions about a generator. He said
16 they went out and bought them, and he and Rick Detore put
17 them on the truck. Think about this: Congressman
18 Traficant's own witness, Brian Kidwell, admitted that
19 Congressman Traficant had them on his truck in Youngstown.
20 How did they get on the truck? And why would USAG buy this
21 equipment, have it drop-shipped to Virginia so they could
22 go and stick it on the Congressman's truck and have him
23 schlepp it up to Youngstown? Does that make sense? They
24 could have drop-shipped to it Youngstown.

25 You have the receipts in evidence. It's not

1 disputed that this equipment was bought. It's not disputed
2 that it ended up on the Congressman's truck.

3 You also recall that Brian Kidwell on
4 cross-examination admitted something very important: That
5 Congressman Traficant had talked to him about building him
6 an aluminum horse trailer just like Al Lange told you. The
7 topic had come up in that very first meeting.

8 Finally, there's the Corvette rental. There
9 are key questions you need to ask about that Corvette
10 rental: Why is Rick Detore, the COO of USAG, even involved
11 in this transaction? Why is USAG making calls for
12 Congressman Traficant to set up a rental car and why are
13 they putting it on Rick Detore's personal credit card?
14 Congressman Traficant has a whole staff of people that can
15 call and rent him a car if he wants to rent one, and they
16 can run the charge card down and put it on.

17 With all the evidence you heard about
18 Congressman Traficant's spending habits, ask yourself this
19 question: Is he the kind of person that would willingly
20 spend \$5,000 of his own money to rent a Corvette for a
21 month? Does that sound like him?

22 Does he sound like the kind of person that
23 would waste \$300 just to list himself as a second driver
24 when he could have listed himself as the driver himself?
25 And think about the date when Congressman Traficant finally

1 got around to transferring the credit card from Rick
2 Detore's credit card to his own. December 17, 1999.

3 What else was going on around that time?
4 Congressman Traficant had just found out he was under
5 investigation. He switches the credit card on the Corvette
6 December 17th. Five days later, December 22nd, he shows up
7 with a \$7,000 check for J.J. Cafaro for cars, one of which
8 he's had for ten years. He suddenly wants to pay for it.
9 J.J. Cafaro wasn't even expecting the payment at that time.

10 The very next day, December 23, he gives
11 Sugar the check for \$1142, telling him, "The bastards are
12 after me."

13 Within a month, he's in the basement having
14 Allen Sinclair burning envelopes. When the story hits the
15 paper about the value of the cars being worth more than
16 \$7,000, he suddenly sends J.J. Cafaro \$3,000 more because
17 he says, "You know, I think you need a little more money on
18 this transaction."

19 Does that sound like Congressman Traficant?
20 A short time thereafter, he takes Paul Marcone out into the
21 hallway because he's afraid his office is bugged, and
22 starts putting words in his mouth. He also tells Paul
23 Marcone, "I have to go on the offense because it's the only
24 play I have." Why did he have to go on the offense?
25 Because he's guilty.

1 And there are six binders of physical
2 evidence that document his guilt, 55 government witnesses,
3 together with the testimony of many of his own witnesses
4 that confirmed his guilt. And there's no legitimate way to
5 counter that evidence.

6 In closing, Ladies and Gentlemen, remember
7 what Congressman Traficant's dear friend and his own
8 witness Sandy Ferrante told you about Congressman
9 Traficant. These are her words, not mine. Quote: "He's a
10 huckster and likes to trade. If he can get a job trading
11 for something, he loved it," end quote.

12 And then think of the pattern that's repeated
13 over and over and over again in this case, because that's
14 what this case is about. Congressman Traficant traded his
15 official acts for things of value, and in doing so, he's
16 guilty of all ten counts as charged in this indictment.

17 Thank you.

18 THE COURT: Ladies and Gentlemen, we'll take
19 a 15-minute recess. I need the lawyers and the court
20 reporters and juror number three to stay, please.

21 (Jury out at 10:12 a.m.)

22 (Discussion at side-bar with Juror Grodi.)

23 THE COURT: When is this wake?

24 A JUROR: Tonight.

25 THE COURT: What time?

1 A JUROR: 6:30.

2 THE COURT: I'm going to need you to have
3 somebody transport him to that.

4 Congressman?

5 THE COURT: The way I'm going to resolve this
6 issue of this gentleman is the wake is at 6:30, and you
7 know where it is, right? You know the actual location of
8 it?

9 A JUROR: I can find out.

10 THE COURT: You can find that out?

11 A JUROR: Yes.

12 THE COURT: What we'll do is permit him to go
13 there. We'll send you with the marshals because you're all
14 going to be sequestered. We'll begin tomorrow
15 morning -- you're not going to get to the funeral. You can
16 get to the wake.

17 Now, if this doesn't work for you, we can
18 send you to one thing, but to take the jury out for a day
19 and a half is too long.

20 So if this doesn't work for you, then what we
21 can do is put in an alternate. But I can do it today
22 because this will end this morning, and I can defer having
23 the jury instructions until tomorrow morning. But to do it
24 for a day and a half is just too much for everybody.

25 MR. TRAFICANT: Have you changed your

1 decision already?

2 THE COURT: No.

3 MR. TRAFICANT: That you had just made.

4 THE COURT: I found out some more
5 information.

6 MR. TRAFICANT: I believe the juror had sat
7 through the whole thing, and I'm hoping we can accommodate
8 him to hear the evidence, to hear my evidence.

9 THE COURT: Congressman, all of these people
10 have been here through the whole thing. We're trying to
11 accommodate him.

12 The accommodation is that we can send you to
13 the wake tonight, and we'll transport you and there will be
14 somebody with you. But we can't send you to the funeral
15 tomorrow.

16 So you need to think over this break about
17 that situation, and then I'll talk to you after the next
18 break?

19 A JUROR: Yeah, because they were mad about
20 it being another day.

21 THE COURT: Well, it's hard on everybody.

22 A JUROR: I know.

23 MR. TRAFICANT: We don't need them to carry
24 out another day.

25 THE COURT: No.

1 MR. TRAFICANT: I don't want to be changing
2 the jury around after it's been set after ten weeks of
3 trial.

4 THE COURT: Okay. It's just getting us until
5 tomorrow morning. We can accommodate that because they are
6 not deliberating yet.

7 Once they are deliberating, it's a whole
8 different story. But nobody is deliberating yet. We have
9 five alternates.

10 So I'm telling you what we can do to
11 accommodate this.

12 A JUROR: If it's a big deal and it's a
13 problem, I won't do anything.

14 THE COURT: No. We can send you tonight if
15 you want to go, and you decide that yourself.

16 MR. TRAFICANT: Do you want to stay on the
17 jury?

18 A JUROR: Yeah. I mean I won't --

19 THE COURT: That's what we're --

20 A JUROR: I told my family and everybody I
21 wasn't going to do anything, but I mean they're all mad at
22 me and everything like that. I know this is a big deal,
23 and I've been doing it for ten weeks.

24 THE COURT: What I'm saying is we can
25 accommodate you, and we can send you tonight and then start

1 with the instructions tomorrow.

2 MR. TRAFICANT: Let me see if I understand
3 this, Your Honor.

4 THE COURT: That's --

5 MR. TRAFICANT: Your Honor --

6 THE COURT: That's -- excuse me. That's not
7 going to really make much difference to them. It's a
8 matter of an afternoon. Okay? And that's what I'm willing
9 to do.

10 If we can't do that, if you need to go to the
11 funeral tomorrow, I really can't take them out for a full
12 day.

13 A JUROR: Right. Well, I understand that.

14 THE COURT: Okay.

15 MR. TRAFICANT: Is it my understanding that
16 the marshal will take him this evening and he's will to
17 serve on the jury tomorrow? Is that what I'm hearing?

18 THE COURT: Well, he has to answer that.
19 Give him a little time to think about it.

20 You can have the break and so forth to think
21 about it.

22 A JUROR: Okay. All right. Just think about
23 that then and come back and tell you? Just go think about
24 that?

25 THE COURT: Well, I mean that's how we can

1 accommodate you. At the end of the closing argument, what
2 we were going to do was charge the jury in their final
3 charge and send everyone off to deliberate.

4 The accommodation we can make to you is to
5 delay that part of it, not the closing arguments, just that
6 part of it, until tomorrow morning. You would have to go
7 in the company of the marshals to the wake. And that's it.
8 You don't have to discuss it with the other jurors. You
9 have to decide as a person what you want to do.

10 A JUROR: So that's the decision then, right?

11 THE COURT: We'll do that or if you -- I mean
12 if you want us to accommodate you, that's the
13 accommodation. You can go to the wake tonight.

14 A JUROR: Okay. So that's the option then,
15 right? Either that or nothing at all.

16 THE COURT: Right.

17 A JUROR: Okay.

18 THE COURT: Either that or we put an
19 alternate in. But the jury hasn't started to deliberate,
20 so we have a little flexibility. And we're trying to use
21 the flexibility because this just came out of the blue and
22 hit you. So I want you to have a little time to think
23 about it. Think about it over this break. We'll do
24 closing arguments, and then I'll talk to you at the next
25 break.

1 A JUROR: All right. Sorry about this.

2 THE COURT: No, no. You can't help it.

3 A JUROR: I didn't plan on any of it
4 happening.

5 MR. TRAFICANT: Well, if you're able to go to
6 the wake, would it be that much of a problem for you to
7 miss the funeral?

8 A JUROR: I don't know. I'll think about
9 it. You know?

10 MR. TRAFICANT: Good. Thank you.

11 A JUROR: Thank you.

12 (End of discussion at side-bar.)

13 THE COURT: Everybody in the back can take a
14 break now. What happened is something that happens in
15 life, and we're dealing with it. Okay?

16 (Recess had.)

17 (Jury in at 10:33 a.m.)

18 MR. TRAFICANT: Good morning, Ladies and
19 Gentlemen.

20 JURORS: Good morning.

21 MR. TRAFICANT: I want to thank the
22 prosecutor for his endorsement of my tremendous
23 achievements as Congressman, but I now want to talk
24 business.

25 As a former sheriff, I want to direct you to

1 Defense Exhibit 1007-AA. The government and the prosecutor
2 has given you a very big dissertation on hearsay. He said,
3 she said, I said, he did, I did, about the same time.

4 Now, if you're in the mountains and you go to bed at
5 night and there's no snow on the ground, and you wake up in
6 the morning and there's snow on the ground, you have some
7 physical evidence there's snow. But now, if there's no
8 snow on the ground and you go to bed, it's at a ski lift,
9 and you get up and the snow is on the side of the mountain
10 where the ski lift is, you're not sure if it snowed or if
11 they made the snow on that ski lift.

12 The government furiously and desperately
13 tried to corroborate the words and hearsay of their
14 witnesses. This was responded to on October 10th, 2000,
15 from the Federal Bureau of Investigation. They submitted
16 912 documents, and the bottom line was, Joe Bushner said,
17 "Not one fingerprint of Jim Traficant was found on a
18 document."

19 Now, here is the types of documents they're
20 talking about. This isn't Andy of Mayberry here. We're
21 not talking about a civil case. We're not talking about a
22 DUI, we're talking about a RICO, beyond a reasonable doubt.
23 Now, I'm sure you could identify what this is. This is
24 toilet tissue. It is very porous. Very airy. Almost
25 impossible to lift a print off of. Was that sent? No.

1 This is an envelope. Is that denser than
2 that toilet paper? Why were so many envelopes burned, but
3 yet not burned completely? Why at some point didn't they
4 stop burning and just save the envelopes?

5 Third of all, they said there was a
6 tremendous amount of cash. This is a currency bill from
7 some candidate running for Congress that's a million dollar
8 bill. I won't give you his name, but the Traficant
9 fingerprint is most unique, because as a child I was a good
10 marble player and had a stone thrown right on top of my
11 right finger and have a scar directly down the middle, and
12 I'm right-handed.

13 Now, there's not a print on the toilet
14 tissue, naturally you couldn't get one, and none on the
15 envelope, and none on the currency.

16 But then there's a manila folder. I don't
17 know what size it is. But is this a different density?
18 912 documents submitted to the FBI laboratory, the best in
19 the world. Still yet, not a print.

20 Now, Ladies and Gentlemen, you shop. You
21 could put water in these. There wasn't a print of Jim
22 Traficant on any of the 912 documents. They desperately
23 were searching to corroborate their evidence.

24 Now look. This isn't a Barney Fife case.
25 This is a criminal case. I want to talk some business with

1 you.

2 Let's start right now, and you will have this
3 as Defense Exhibit 1007-AA. Let's talk about Sinclair.
4 Sinclair told the FBI on January 24th of the year 2000,
5 when he was asked about the building and why it wasn't in
6 his name, he refused to comment. They then asked him about
7 the kickbacks, and he said, quote, "I will play no part in,
8 quote-unquote, getting Jim Traficant."

9 Now, when we do find out -- you'll find in your
10 evidence bag when you get back, there were two documents
11 submitted for KAS Enterprises, 11 Overhill Road. The first
12 one I believe was in November. And look carefully at it.
13 KAS Enterprises was established in the state of Ohio by one
14 person and one person alone, Mr. Sinclair.

15 The next month it had two signatures and was
16 reopened. Raymond Allen Sinclair listed as president, no
17 less, Kimberly Allen Sinclair as secretary.

18 Mr. Sinclair in his own words was already
19 suspended for a year and on probation for having made ads
20 that were misrepresentative.

21 Now, you're not dealing with Andy of Mayberry
22 here, folks. You're dealing with the FBI. Mr. Sinclair's
23 life was on the line, his wife was on the line, and these
24 people don't play softball.

25 Now, they could tell it to the Rotary, but

1 they can't tell it to a sheriff.

2 Now let's talk about Mr. Sinclair and let's
3 talk about facts that do not exist. You heard what
4 was -- was DiBlasio before you? The only thing you heard
5 about DiBlasio came from Mr. Morford. Was Manente a
6 government witness? Yes. They didn't call her. Was Pete
7 Bucheit a government witness? Yes. They didn't call him.
8 Was Sandy Ferrante a government witness? Yes. They didn't
9 call her. Was Anthony Traficanti a government witness?
10 Yes. They didn't call him.

11 Now, let's now look at some facts. First,
12 let me say this: After I'm done, I can't come back to you
13 again. They will rebut. If they attempt to bring up
14 anything that was not yet, heretofore, before discussed,
15 they will do so, because I will not have the chance to
16 cross-examine them, and I doubt if the Judge will allow it,
17 but I'd look very carefully at it.

18 Ladies and Gentlemen, the FBI of the United States of
19 America -- do you see this pen? It could have been picked
20 up on Mr. Sinclair's desk and picked up our voice from 40
21 feet away. You mean to tell me the FBI don't have that
22 technology?

23 Two witnesses testified that Jim Traficant
24 had coffee while he had his tea every morning, he had an
25 L-shaped desk, and could only get around from the far side,

1 and Jim Traficant sat behind the door.

2 This, Ladies and Gentlemen, will give you an
3 idea of what I'm talking about. If you could identify
4 this, I won't even say what it is. It's a calculator. It
5 could be sitting in any part of any room on a desk. It
6 will pick up conversation a hundred feet away. A hundred
7 feet away.

8 Here is what we don't know about this case.
9 When they found they had no physical evidence, you would
10 have to be in Disneyworld to believe that they did not
11 attempt to tape the target. Not that I'm all that
12 important, but I wasn't the secretary of the bank. I was
13 the United States Congressman. You mean to tell me they
14 didn't tape me? You mean to tell me they didn't video me?

15 Now let's talk about the \$6,000 or \$7,000,
16 whatever is supposed to have been in some manila envelope.
17 A good FBI agent would have very simply said, "Bring me the
18 envelope," steamed that envelope open, put four marked
19 bills in it, sealed it back up and said, "Take it back to
20 Traficant and say you want no more of this."

21 Now, you tell him, "I don't care what car we
22 go in, where we go, New Castle, Pennsylvania, Cleveland,
23 Ohio, I don't want nothing to do with this. I'm afraid.
24 I'm not going to hurt you at the grand jury, but when you
25 come out of that restaurant, you have that envelope on

1 Traficant."

2 No videos? No bugs on my telephone? No
3 wiretaps? No requests for helicopters, when Mr. Denholm in
4 his own 302 requested overnight travel, airplane, cars,
5 videos, mikes, tapes that I found out in their discovery.

6 Now, let's further talk about Mr. Sinclair.
7 Misprision is a crime. He was already under suspension.
8 He was a young man. He'd endanger his future, and believe
9 it was a loan? Now, did you ever see anybody go into
10 business with a loan?

11 Now, Mr. Morford has told you everything that
12 everybody said, but Mr. Morford hasn't proven to you one
13 thing that anybody did. Now, if Mr. Sinclair could sit
14 across his desk and tape Manevich, why didn't they tape me?

15 So who do they bring to the stand? They
16 bring two federal agents. One is an IRS agent from
17 Philadelphia that only added up the numbers they gave him
18 locally. He had nothing to do with the investigation. Did
19 you meet one IRS investigator in this case? Is this a
20 money case, or is this about Charmin tissue?

21 You met one FBI agent. Who was he?
22 First-year agent. And what did he say on the stand? We
23 have no prints. And the Judge let you go ahead and see all
24 of that cash. I made it a joint exhibit. Not one of those
25 bills have my prints on it. That is a defense exhibit when

1 you see joint, just like it is a government exhibit.

2 Now let's talk about some of these issues
3 that he raised. This isn't preponderance of the evidence.
4 This isn't circumstantial evidence. Why somebody's car was
5 used as a deposit, this is beyond a reasonable doubt. Now,
6 I want you to imagine that you and your spouse are
7 approaching an intersection with your two grandchildren or
8 children in the back seat, and you ask your spouse, "How
9 does it look up there?" And your spouse says, "It's okay."
10 But for some reason you have those two kids in the back,
11 and you know, it might upset your spouse, but even at the
12 expense of maybe upsetting your spouse, you take that quick
13 look, and your spouse gets mad. "I told you no one was
14 coming." But in the back of your mind, "I think maybe she
15 didn't see a cyclist. Maybe there is a bicycle. I've got
16 two kids in this car."

17 Trust of the spouse? She trusted her spouse
18 more than anyone else in the world, but had a doubt, and
19 wanted to see for himself, wanted to corroborate whether or
20 not there was danger ahead.

21 So now let's talk about his witnesses that he
22 talked about. He talked about all this Bucheit work that
23 was done by Bucheit. First of all, Manevich said 15 an
24 hour, Gatti said 10 an hour. Two people that come in and
25 build houses said it was a butcher job.

1 Sandy Ferrante said, "My father and Pete
2 Bucheit were looking at the deck. And they'd have
3 breakfast with my father and asked my father to build the
4 deck. She testified, "I was angry because I didn't want
5 that addition. And my father went to my mother's grave
6 every morning," and she went with him. "And my father was
7 going to move in that farmhouse until he met a woman and
8 rented her apartment."

9 Now, who was the last Bucheit witness?
10 Forget what he said and look at the record, and ask the
11 Judge for the record. It was Leisel Bucheit, the daughter,
12 who was the bookkeeper. She said she sent an invoice and a
13 bill to the Traficant farm. And she was asked how was it
14 paid. She says, "I don't know. You'll have to ask my dad
15 because I left the employment."

16 Did they call Mr. Bucheit? Do I have the
17 burden to prove it was paid or not paid? Was Mr. Pete
18 Bucheit called to the stand?

19 They feverishly tried to corroborate physical
20 evidence, and they couldn't do it. Now let's listen to
21 Mr. Bushner. He's on the stand. Cross-examination. "When
22 you realized you had no physical corroborative evidence,
23 what, in fact, did your team do?" And he was tricked,
24 wasn't he? I tricked him into admitting he had a team. He
25 even admitted who the team leader was. It was Mr. Bernard

1 Smith sitting right here.

2 I said, "What did Mr. Smith say?" "Smith
3 said Traficant is cool, you'd better be careful."

4 Then he caught on. "Who else was there?"

5 "I don't remember."

6 "What else was said?"

7 "Well, maybe the boiler room noise, but it
8 was loud."

9 "Traficant is touchy-feely. You'd better be careful."

10 "Sinclair is deathly afraid of him."

11 You had every one of my staff in here saying
12 that nobody feared me. You had Sandy Ferrante not only say
13 she saw me repay Mr. O'Nesti, she one time gave him a
14 thousand dollars of her own money at my request because I
15 couldn't get there in time.

16 Where is O'Nesti? Where is his affidavit?
17 The government visited him 11 days before he died on his
18 death bed.

19 Did I bring that money into my district?
20 Damn right. I did those jobs for my people, yes, I did.
21 Cafaro? Let's just tell it like it is. He said, "I lied
22 under oath but it wasn't perjury." And then he admitted
23 that he paid for the testimony of Al Lange.

24 Now, I want you to tell me what local IRS
25 investigator or FBI investigator came in here and told you

1 that we went to Al Lange and we went to every place they
2 supposedly bought these supplies for repairs for this boat,
3 because Mr. Cafaro testified he never went to look at the
4 boat. How do you know that Mr. Lange and Mr. deGroot
5 weren't putting the money in their pocket? We know one
6 thing, they sunk the boat.

7 Now, what's in evidence, and be very careful
8 with it and look at it carefully, is the Virginia Military
9 Institute. Who is it made out to? Survey performed on
10 behalf of Captain Al Lange, which signifies he was
11 certified to drive a boat of 37 feet.

12 And what does it say on page 3? The boat
13 value, as is, as is, is between 30 and \$35,000. I could
14 have accepted Mr. Cafaro's check of \$26,000 and would not
15 have broken the law.

16 He didn't need that boat. Lange wanted the
17 boat. And they're lying through their teeth. And when he
18 said he paid \$26,000 to fix the boat and had only 60
19 percent of it completed, I want you to think for a minute.
20 Look at the next line. This vessel will have fair market
21 value between 38 and \$42,000 with repairs and corrections.
22 So we go from 35,000 to 42,000.

23 What did the surveyor who had the prod
24 evaluate the cost of restoration to be? He was paid \$3600
25 and was certified as a marine surveyor. All they had to do

1 was say, "We need money for the boat." Mr. Cafaro sent him
2 money for the boat. Where did they show you that money
3 went into that boat? How do you know where it went?
4 That's not my burden.

5 They ruined my boat. Now, when you pickle
6 engines, you pickle engines because engines will be damaged
7 and ruined, and they cost tens of thousands of dollars for
8 marine boats of that horsepower.

9 Now, Mr. Nishnic said, yeah, the toilet
10 didn't work, but as is, you take a look at the marine
11 survey, you look at the repairs and conditions, you look on
12 page 3 and see what it's worth.

13 Now let's look at the lease. You had the man
14 in here, he testified. It was picked up my Mr. Richard
15 Detore. Did he try and lie? That car was for me. And I
16 was supposed to go to Louisiana, but the way it worked out,
17 I went a month later, and it cost me 5,000. And what they
18 don't know is, it ended up costing me 7,000.

19 But you can't take a rental car without a
20 credit card. And was Mr. Detore my friend? Yes.

21 Now let's get into some of their witnesses.
22 Bucheit, Leisel Bucheit said, "If you want to find out if
23 the account was paid, check with my father." Did you hear
24 testimony from his father? Do you think I'm going to make
25 their case? You don't know if that, in fact, was paid in

1 full, do you? You have no idea.

2 Sandy Ferrante, she testified over the years
3 at least several times a year Chuck O'Nesti came to the
4 farm and would be repaid, and she testified they handed him
5 \$1,000, if you recall, because her husband, when they sold
6 their farm, put her 13 horses in with another barn. They
7 were two weeks late, and when they come to get their
8 horses, the guy sold them at a sheriff's sale.

9 Now, who brought cash into this case? What
10 did Sandy Ferrante also say? She was picked up in Canton
11 and played a tape, led to believe she was being murdered.
12 They spent a thousand dollars to put her two little dogs in
13 kennels. Four times back and forth from Kentucky,
14 testified before the grand jury, treated like a queen.
15 When she told them the truth, she was treated like a dog.
16 And Mr. Morford said, "Isn't it a fact when you walked out,
17 Sandy, I came out and apologized?" She said, "That's a
18 lie. Mr. Charles Perkins come up to me, put his arm around
19 me and consoled me, and I was crying. He belittled me,
20 demeaned me. Mrs. Ferrante also knew about that addition,
21 and she asked my father for that addition," and she
22 testified to that. Now, did they run back a check and show
23 you a deed at that time?

24 Now let's talk about the Buccis. If you
25 believe the Buccis, put me in jail, just ship me off. Greg

1 Tyson come right to the point. When it hit the fan, I was
2 outside with him standing next to him and told him, don't
3 you touch his property.

4 If Tony Bucci or anyone in my district called
5 my office and asked me, their family, to have them moved
6 closer to home, I don't give a damn if their name was Al
7 Capone, I would have done it. I will admit to that,
8 because I represent their families.

9 Let's talk about Bucci. Who testifies
10 against him? His sister-in-law. Sandy says they almost
11 knocked the barn down. Harry Manganarro said if he didn't
12 show up and put the two braces on with me, the barn would
13 have been completely destroyed. How much would a barn cost
14 to completely replace? A hundred thousand dollars?

15 Susan Bucci not only said that, she came to
16 me because she felt her brother-in-laws were taking -- her
17 husband when he was sick, and they were taking her money,
18 and I told her get a lawyer. That's her testimony. And
19 she didn't. And they took every penny she had.

20 And she said when her husband died, he said,
21 "Give Jim the wagons. He brush-hogged 40 acres a year for
22 five years, bailed the third cutting of alfalfa, five years
23 of his own time, his own equipment, his own fuel, his own
24 money." She brought me out food, she brought me out drink.
25 She testified they owed me money. And they were worried

1 about I was going to sue them over that barn.

2 Now, what was the last thing Tony Bucci said
3 after his third plea agreement? I said, "Did you and your
4 attorney engage in conversations with the U.S. Attorney
5 about your brother Robert, who is a fugitive from justice
6 who has fled the United States of America?" And Tony said
7 he has heard from him from Cuba. And they said if he comes
8 in and pleads guilty, they'll look into possible
9 consideration.

10 Who do the key factors all have in common?
11 What do they have in common? Now let's look at Sabatine.
12 Sabatine couldn't identify the building. Mr. Morford said
13 he was out there twice with Mr. Alteiro. Mr. Alteiro
14 wouldn't walk in the building. Do you remember how funny
15 it was? But what did he fail to say Mr. Alteiro apologized
16 for? For not calling me and giving me the price I asked
17 him to give me. He didn't say that, did he?

18 But Mr. Sabatine could not only not identify
19 the building, he said he couldn't identify the floor. And
20 now you have Sandy Ferrante that was there through that
21 period of time and John Innella that said, "No matter what
22 you do, you clean the floor, because if you get flies and
23 certain types of insects in that barn, you'll get those
24 horses sick." And they were concrete with rubber mats.
25 This is an asphalt man.

1 And he said, "I had to watch because of all
2 the manure." What is manure? Does manure draw flies?
3 Does manure draw ticks? He couldn't tell what the floor
4 was, couldn't identify what the building was. So what we
5 have Mr. Sabatine saying is he gave me cash.

6 Why did George Buccella on my staff need
7 immunity? And he admitted under immunity that many
8 times -- he said only several -- he'd tell the people that
9 he was going to see the Congressman or going south, but he
10 didn't go south.

11 And what did Betty Manente testify to? After
12 the pizza shop closed, who called and wanted to know why
13 the hell he wasn't at work like everybody else? It was Jim
14 Traficant.

15 Was he an expert driver? Yeah. Did he drive
16 that rake? Yeah. They put in 30 hours. Well, let me tell
17 you something: If you're an American and you on your own
18 time want to help somebody out, and you're not being
19 compelled, and no one said they were compelled -- in fact,
20 Anthony Traficanti said it was his health spa until his
21 allergies got him, and who do you ask if you don't ask a
22 friend? Were they my friends? Yes.

23 THE COURT: 30 minutes, counselor.

24 MR. TRAFICANT: That's all I have left?

25 THE COURT: Nope. That's where you've gotten

1 to now.

2 MR. TRAFICANT: You mean I have an hour?

3 Hooray.

4 THE COURT: Well, you asked --

5 MR. TRAFICANT: Here is when we found out.

6 Don't take any more of my time. And you didn't interrupt
7 Mr. Morford.

8 THE COURT: He didn't ask us to be his time
9 keeper.

10 MR. TRAFICANT: I know. He was just telling
11 everybody what he heard everybody say.

12 Ladies and Gentlemen, George Buccella owned a
13 pizza shop while he worked for me, had a recreational sales
14 dealership, managed a racetrack, and he bought the
15 racetrack, and was a township trustee. And all he had to
16 say was he was going south, and he was able to get out of
17 work.

18 I asked Betty Manente if she ever called me
19 or ever went out to see if he was out there, and she said
20 no. Who did? Now, where is a Congressman -- do you have a
21 congresswoman or man that represents you? Where are they
22 during the week? Some of them don't even come home on the
23 weekend.

24 She said the only person -- and Betty Manente
25 was a government witness, subpoenaed to the grand jury by

1 the government, the only person to check his punctuality
2 was the Congressman himself.

3 And Anthony Traficanti said he helped
4 Buccella on occasions. He was a great driver and had a
5 truck that was so dangerous he wouldn't drive it. And
6 there were times when Sandy said she called herself because
7 they didn't have sawdust and the horses would be on bare
8 ground. And they went and got sawdust.

9 Well, just go ahead and lock me up.

10 Now let's talk about Cafaro. How can you
11 talk about Cafaro when talking about Lange? Cafaro
12 admitted he paid for Lange's testimony. His attorney is
13 sitting there right where our great Marshal Troutman is
14 sitting, second from the right.

15 Mr. Lange hadn't been in the employ of United
16 States Aerospace for a year. Why was Cafaro paying for his
17 testimony? And did you notice how good it sounded? He
18 called Cafaro a liar three times, but then got on the same
19 in book on all of the conspiracy business, didn't he?

20 Now, you can run by Clouseau, chief
21 inspector, that is, but use your head now. As Americans,
22 what is the difference here? This isn't my courtroom.
23 This isn't actually Judge Wells' courtroom. Right now this
24 isn't the prosecutor's courtroom. This is your courtroom.

25 Do you know what separates us from every

1 other country? When you go to the ballot box, don't let
2 anybody tell you how to vote. He said I'm guilty. Well,
3 if I'm guilty, you look me in the eye and you say guilty.
4 But if you think I'm not guilty, I want you to look at him
5 right in the eye, square, flush, right in the face. This
6 is what makes America free. No one tells you how to vote,
7 and don't let anybody start. And you don't need a
8 congressman to tell you that.

9 And when you've got a high profile guy, the
10 only one in American history to not be an attorney to beat
11 the Justice Department, why did they go back to a guy by
12 the name of George Hooker, one of the nicest guys you will
13 ever meet, who sold me a horse 15 years ago, if they didn't
14 want to, quote-unquote, to use Sinclair's words, get Jim
15 Traficant?

16 Where's the tapes? Where's the photos?
17 Where's the videos from afar? Where is the airplane
18 surveillance tapes? Where is the agent? Why did they
19 bring a guy from Philadelphia seven times, spends 37 days,
20 that had to be thousands of thousands of thousands of
21 dollars to add up something your ten year old son or
22 granddaughter could do?

23 You give your ten year old granddaughter the
24 numbers they gave them to add them to the Traficant tax
25 return, and they'll come up with the same answer. And what

1 did he admit? He did not meet with an investigator and had
2 nothing to do with the investigation. What the hell was he
3 doing here? Where are the people that did it? Or did
4 they?

5 You see, the government is under an
6 obligation to provide me with what is known as exculpatory
7 material. Exculpatory means it is favorable to the
8 defendant.

9 I love America. I bend over backwards for
10 our military. I fight for transportation, General Services
11 Administration. In fact, I authorized that new courthouse
12 you're moving into. I did. And I lost the postal workers.
13 Many of them are getting screwed.

14 But you know what? When an agency comes
15 before the United States Congress and says, if you change
16 the burden of proof and change the seizure laws in the IRS,
17 you take away the only leverage we have to collect taxes.
18 And they say, "What's that?" And they said, "Fear. If the
19 taxpayers don't fear us, the dead beats will get over."

20 Now, we changed those laws, and do you know
21 what? We went from 10,067 seizures of homes to 51 in the
22 whole country when the IRS had to prove it in court.

23 Does the IRS like me? Hates my guts. Do I
24 like them? I'd like to break their damn necks.

25 I have a bill in right now that would abolish

1 the Sixteenth Amendment and get them out to get a real job
2 and exempt everybody up to the poverty level --

3 THE COURT: Congressman, these folks have to
4 deal with the evidence in the case.

5 MR. TRAFICANT: They are dealing with the
6 evidence. This is part of it. It was brought out in the
7 trial by their own specialist from Philadelphia.

8 THE COURT: Ladies and Gentlemen of the Jury,
9 you heard the evidence in this case. You rely on your own
10 memories of what the evidence is.

11 MR. TRAFICANT: I hope that doesn't come out
12 of my time.

13 Now let's talk about Angelo Delucia. He wouldn't
14 walk in the building, but called and apologized for not
15 giving me a price. So evidently I asked him about the
16 price.

17 DiBlasio, why didn't you hear about him? Why
18 is he talking for DiBlasio? How can he speak for DiBlasio?

19 I could break all the rules of the court and
20 introduce a tape on DiBlasio and Sinclair if she'd allow
21 me. And I've had it with that.

22 George Hooker, what did he say? "This is a
23 hell of a horse, Jim. If you don't come back and get busy,
24 I want \$500 down." Who brought the only cash into this
25 trial? Jim Traficant. He said that Sandy and I put

1 together \$500 down. He delivered it the next week and got
2 a \$3,000 check.

3 And who is the other guy that said he got
4 cash? Was it their guy? It was Tyson. He said, "Give me
5 500, Jim." I went up, talked with Sandy, as he said, and
6 we put together 500.

7 The next time he wanted 400 cash. Who
8 brought cash in? Now, why do you think they went to speak
9 with George Hooker? Did they bring one witness in -- and
10 let's look at it this way: I want you to imagine you drink
11 a gallon of water because they say if you don't drink
12 enough water, you're going to kill your kidney. Now, you
13 drink a gallon of water and you don't pass it, and you
14 drink a gallon of water the next day and you don't pass it,
15 you'd better start passing some water.

16 Now, from 1987, when that horse was purchased
17 from George Hooker, they were looking for cash transactions
18 of the defendant. Did they bring one person in here that
19 says, "Jim Traficant paid me money in cash?" One. I
20 brought in three. It's been proven by every witness on
21 this stand, I don't pay by cash. I write checks. And I
22 accept checks.

23 And Sandy said Mr. Pennington wanted to pay
24 7,000 because you buy a \$5,000 horse for 3500, and I didn't
25 want it. I refused it. But I needed to sell those horses,

1 and I accepted that 7,000. They bring up the fact that I
2 also had \$500 a month coming in board money on those horses
3 that Sandy testified to. What does my deposit show? The
4 big thing they put on the board with these big numbers.
5 You add them up. \$26,600 cash. Do you know what it
6 averages up to? About \$480 a month, the average deposit of
7 a Congressman.

8 Now let's look at Rovnak. Anthony Traficanti
9 said he worked right next to him and never saw him miss a
10 day of work. Sandy said the only time she saw him was
11 before he got the job. After he got the job, she never saw
12 him.

13 He got mad when he got another job. He
14 wanted me to keep him on part time. I said I couldn't, it
15 was a conflict, it was a semi-government job, and he had to
16 go.

17 Also, look at the exhibit of George -- of
18 Richard Rovnak, if I could find it. He witnessed a repair
19 document to the boat. Remember, it wouldn't have been
20 admitted into evidence if he hadn't made the funny remark.
21 He not only admitted it was his signature, he said, "Oh,
22 you mean this is the guy that never showed up for work."
23 So he documented it, didn't he?

24 Contract to paint and make repairs on Egg
25 Harbor, supplies, paint, signed by Peter McQueen.

1 Did they ever go talk to Peter McQueen, black
2 fellow from around the Potomac River in Washington, D.C.?
3 I don't have to prove this. That's their burden.

4 Now let's talk about O'Nesti. Dennis Johnson
5 didn't even want to talk to him. He came looking for
6 Dennis Johnson and said, "I gave no kickbacks, I did
7 nothing illegal with Jim. Please, maybe he's not getting
8 my calls. Have him call me."

9 Mike Terlecky saw him out at the speedway
10 looking at a photograph, said, "What are you going to do
11 next?" I didn't give him kickbacks. Why don't they let
12 him alone.

13 Why isn't there an affidavit in this
14 courtroom that Mr. O'Nesti gave me kickbacks? Because I
15 could prove that 11 days before he died, they were there
16 pressuring him for an affidavit.

17 MR. MORFORD: Objection. There was no
18 substantive evidence to that, Your Honor.

19 THE COURT: There was no substantive
20 evidence --

21 MR. TRAFICANT: I'll put the 302 out by Mike
22 Pikunas.

23 THE COURT: Just move right along,
24 Congressman.

25 MR. MORFORD: On his death bed. And what was

1 he talking about the Army for? Because he wanted to die at
2 home. And Denny Johnson just cut him right off. He didn't
3 want to die in a medical facility separated from his
4 grandchildren.

5 Now let's talk about Sugar. He talks about
6 the piano. Sugar testified, and it was testified to by
7 Manganarro, that it was a 1856 Steinway, one of only two
8 made that year registered in the book, Handmade in New
9 York. And he said that the defendant was honest and told
10 him they weren't the original ivory. If it were, it would
11 have been worth \$100,000. He had it appraised between 500
12 to \$6500.

13 I asked him, "Did you report it on your
14 income tax?" He said he did. Now, if I owe Mr. Sugar any
15 money, he could sure as hell have billed me for it.

16 Mr. Harry Manganarro also said, and
17 testified, that he was not a good bookkeeper and backdated,
18 backdated a bill to a local government entity he forgot to
19 bill. If I'm not mistaken, it was New Middleton, Ohio, for
20 some work he did in that little city.

21 But what did Sugar have? Sugar had immunity.
22 What did Bucci have? Bucci had immunity. What did
23 Sinclair have? Sinclair had immunity. What did Sabatine
24 have? Sabatine had immunity. What did Cafaro have?
25 Cafaro had immunity.

1 And what did Attorney Percy Squire say?

2 Percy Squire was the chief counsel to Chief Judge Thomas
3 Lambros, who was in charge of this whole courthouse, over
4 Judge Wells. I don't know if she was on the bench then.
5 But he was the boss. And Percy was his right-hand man.
6 And Percy was invited to that YSU meeting, come in late,
7 walked out with me, and saw me get into the green truck.

8 And the amazing thing was, Mr. Kidwell said
9 he picked me up in the green truck. But J.J. Cafaro said
10 we waited until everybody left, then we got in his green
11 Cadillac and he gave me money.

12 Because of the circumstances that there was
13 some withdrawal of cash? His secretary said he averaged
14 \$20,000 cash out of his account every week.

15 By the way, Johnson did not have immunity.
16 Terlecky did not have immunity. Manganarro did not have
17 immunity. Allen Marchese didn't have immunity. Kidwell
18 did not have immunity. Ferrante didn't have immunity.

19 Greg Tyson? He was their witness. They
20 didn't call him because he told them there was nothing
21 illegal wrong. So they wanted him on cross, hoping I'd
22 call him. They tried to make it look like I'm in some deal
23 with the Buccis to screw Tyson. And Tyson's exact words
24 were, when we went outside and drove down the street and
25 went into that parking lot, I drove in the truck with him.

1 And he said, "Big Jim was standing next to me and told them
2 you don't mess with his property."

3 And did I go to the bank and get him a loan?
4 You're damn right. And I got him the first 108 major
5 government loan in Washington for a minority in my city's
6 history. And the Youngstown city screwed it up because
7 they had an investigation into minority contracts, he got
8 caught up in it, and that's how he got bankrupt, not that
9 Jim Traficant banked it so the Buccis could gain.

10 Mark Colucci testified, Sugar said he would
11 shake him down for \$25,000.

12 How much time do I got?

13 THE CLERK: 42 minutes.

14 MR. TRAFICANT: Be exact.

15 Sugar said he was shaking him down for
16 25,000. Mark Colucci drove down there about four or five
17 times, got his case reversed. He dropped his fee from
18 15,000 to 5,000, and his dad didn't want him to go ahead,
19 and he could have had that taken off his record.

20 Do I have the power to tell Judge Wells whom
21 she can release from prison? Do I have the power to get
22 some Judge to move a prisoner? Do you think that your
23 congresspeople at times do not intervene for families for
24 hardship?

25 Now, Mr. Cafaro was called a liar by Mr.

1 Morford in the last trial, but he said, "I lied but I
2 didn't perjure myself."

3 Joseph Alteiro, Sandy said she saw him three
4 times, Buccella said he saw him a couple times, and Sandy
5 said he looked so decrepid, he explained to her she was
6 taking KFC chicken out of their dump baskets to survive,
7 and she felt sorry for him.

8 And Rovnak said he spent 16 hours out there
9 for 16 straight days and slept overnight.

10 Now let's talk about Anthony Traficanti.
11 Every one of my staff who was here said they didn't fear
12 me. There's no one on my staff that feared me. He kept
13 bringing up the point I could fire you. I have never fired
14 a person. The records are public documents. I let one
15 woman go and gave her six months to find a job because she
16 was incompetent, almost blew our courthouse, gave her six
17 months to find a job in D.C.

18 Linda Kovachik testified. She said Jackie
19 Bobby and Grace Yavorsky were not all the good friends they
20 acted they were. They were rivals, and they wanted the big
21 job. And she said Chuck O'Nesti did not care for them and
22 would not even allow them in his office.

23 And Linda Kovachik quit because she was
24 belittled by Jackie Bobby. And she said she asked Chuck,
25 after Jackie left, if there was an opening, and he said

1 there was. And she come back to work.

2 Here is where we are here, folks. This isn't
3 a case about what Mr. Morford is saying. This business on
4 the boat, that was a recommendation by some of our staff.
5 It was a staff building thing. If I'm not -- if my memory
6 hasn't faded me, because I haven't bought those transcripts
7 like they have, I think West Richards thought it would be a
8 good idea, and not everyone was compelled to go, and not
9 everyone went. And Congress was out of session.

10 Now, I'm going to sit here and I'm going to
11 listen to this garbage? Now, I'm a sheriff. Whenever you
12 have an informant that gives you information, you never
13 trust that contraband unless you independently corroborate
14 it. You know what they showed you? They showed you
15 envelopes, money. Boy, it looks exciting.

16 And you know what Mr. Sinclair said. But if
17 you look carefully through his testimony, he said he never
18 lied to the FBI. But on January 24th, when they asked him
19 about KAS Enterprises, he refused to comment. That's what
20 Mr. Bushner said on the stand. And he was very upset. And
21 then they talked to him about kickbacks, and he stood up
22 and says, "I'll have no part in, quote-unquote, helping you
23 get Jim Traficant."

24 Does that sound like a guy that fears me?
25 And one week later, he signs a proffer. And do I blame

1 him? I don't blame Cafaro, I don't blame Sinclair, I don't
2 blame Sabatine, I don't blame Buccis. They're trying to
3 save their asphalt. And they had an opportunity to do it
4 with a license to do it.

5 My witnesses did not have immunity. They
6 were subject to going to jail. And they corroborated
7 truthfully what transpired here.

8 Now, there's a lot of things I can and cannot
9 talk about, but I do know this: When you find that you
10 have no evidence and you're a law enforcement agency, you
11 wouldn't bring this case on a deep deal with a reliable
12 snitch.

13 And the point I'm making is, who are we
14 talking about here? Is this Lakewood Police Department?
15 Not that they're not any good, but how many laws are there
16 in the state of Ohio? How many laws are there in organized
17 crime for the Feds?

18 If you believe in your heart they didn't tape
19 me, then find me guilty. Because I've been around, and
20 when they say they have no tapes, the boiler room noise was
21 too loud, Ladies and Gentlemen, they could take a tape in a
22 tornado, wipe out the background, and give you the clearest
23 sound of that tape. Nobody has the technology of the
24 Federal Bureau of Investigation and the Central
25 Intelligence Agency. And you know what the difference is?

1 FBI is domestic; CIA is foreign.

2 And quite frankly, one of my bills was that
3 they should combine the two with the FBI, because neither
4 of them communicate with each other and don't know what the
5 hell is happening.

6 You know, I listened to some of these
7 questions. I'll never forget when Marchese was on the
8 stand, and Mr. Morford is asking about these photographs.
9 I was tempted to stand up and say, "Were you present when
10 you took the photographs?" That's how ridiculous it got.
11 I mean, absolutely ridiculous.

12 They paint the strong picture, when Mark
13 Twain made a statement once, he said, "There are lies, more
14 lies, and then there's statistics and paperwork, and I
15 don't know which is worse." Mark Twain.

16 And I'm not a historian, but there's another
17 statement that always got me. I think Ed Nishnic talked
18 about it. I think it had a bearing on my life. Our second
19 president, Thomas Jefferson -- and it's no offense to Judge
20 Wells, and I apologize if I've done anything to offend you,
21 I apologize, and it is not to gain favor. I am not an
22 attorney, I admit that. And at times I was testy with the
23 Judge, and I do have some problems with the Judge, but it
24 is not personal. She is a fine person. And I don't want
25 her to take offense to this.

1 But I believe America is afraid of our
2 government. And our second president, Thomas Jefferson,
3 said, "Beware of the appointment of federal judges for
4 lifetime terms, because they could take the Constitution
5 and mold it like clay in their hands. God bless juries."
6 He said it again: "God bless juries."

7 We have parts of our system of American
8 jurisprudence who are trying now to limit jury powers. I'm
9 a member of Congress, and you know what? I can only speak
10 for myself, but no one wants their name in the paper before
11 an election, with an IRS or FBI ticket on it. And Congress
12 has been passing laws. They have given the IRS and FBI too
13 damn much power. And when you are born in the United
14 States of America, you are born into a partnership with the
15 Internal Revenue Service the day you're born.

16 I don't think we live in a free nation. I
17 believe our freedoms are eroding.

18 It is very easy, you see, but when you deal
19 with a congressman, there is a different element, too. And
20 that element calls for full-blown surveillance,
21 corroboration.

22 Now I want to talk about something that I am
23 familiar with. Fingerprints are routinely found on cash
24 from bank robberies, betting parlors, and illegal
25 activities. Fingerprints can even be lifted from dead

1 bodies. The larger the volume of documents, the more
2 likely a print can be identified. Many thousands of
3 dollars in cash, it would be almost impossible to fail to
4 recognize one print. And the more the documents, the
5 impossibility of having not one print shown is almost
6 unheard of.

7 There was testimony by Anthony Traficanti
8 that I didn't even look at the evidence in this case. I
9 haven't read it yet. It was testified to. Anthony
10 Traficanti said he come to my office where he delivered
11 some of it. He said, "Jim, I think you'd better look at
12 this. I'm worried about this." He couldn't believe I
13 didn't look at it.

14 I haven't looked at their evidence because I
15 knew they had no evidence. Because if they had evidence,
16 they wouldn't treat me so damn nice. They'd have
17 handcuffed me and they would have put me in that cruiser
18 like everybody else, and they would have treated me just
19 like everybody else. I'm no special animal.

20 But I stood up to them. And America had
21 better start standing up. They have too much power. They
22 don't like me. It's nothing personal. They're not on
23 trial. In fact, let me tell you what: I have never met,
24 nor have I witnessed, three more competent attorneys in a
25 trial. They're good.

1 this --

2 THE COURT: Excuse me, Congressman. Before
3 you do that, as you know and the jurors know, the
4 definition of that is in the jury instructions. They've
5 heard it, they have copies of it, and the same is true of
6 direct and circumstantial evidence, and they're bound to
7 follow the law. They've already heard it. You don't need
8 to give it to them. It's not the proper thing for you to
9 be doing in closing argument.

10 MR. TRAFICANT: Are you taking that out of my
11 time?

12 THE COURT: No.

13 MR. TRAFICANT: Give me some additional time.

14 If I'm not allowed to tell you that a
15 criminal case requires proof beyond a reasonable doubt,
16 then go ahead and lock me up right now.

17 No, I want you to ask yourselves some
18 questions. I don't have a lot of time left and I can't
19 come back, and they're going to have a lot more hearsay,
20 because they don't have a damn thing. If they bring up
21 anything new, disregard it if the Judge should happen to
22 overlook it, which I doubt if she will. She's been
23 conscientious. But if they do, they will, because I can't
24 come back and examine.

25 But the question you must ask yourself is,

1 why did they not have one local FBI agent, one local IRS
2 agent, come in here and say, we went and checked on all
3 those people that wrote checks to Mr. Sinclair and proved
4 that they were okay.

5 Now, you want to talk about circumstantial?
6 Why is it after the spring of 2000 there have been 22
7 straight months without \$2500 in the account? Now, I
8 brought an expert on money, and did he lie? Mr. Morford
9 asked him directly, could those have been kickbacks? He
10 said, yes, they could. He didn't lie, did he? But did he
11 say there were kickbacks? No. He concluded by saying they
12 had no corroborative physical evidence to document any of
13 that money.

14 Now, you all had it passed between you. You
15 all handled it, you handled the joint exhibit. If I
16 handled 900 and some documents, and the report comes back
17 on October the 12th -- when did we go to trial? February?
18 They got the document October the 12th -- and you're trying
19 to tell me, you're trying to tell me October the 10th they
20 just decided to go to trial, and every one of these
21 witnesses admitted they were my friends and would have met
22 with me.

23 And look at the things they ask for. Do you know
24 when I heard in the newspaper about this? I had a motion
25 to quash it. And you know why?

1 MR. MORFORD: Objection. This isn't even in
2 evidence, Your Honor.

3 THE COURT: Yes. Just move along about your
4 motions to quash. That's not relevant.

5 MR. TRAFICANT: I don't trust them. You're
6 looking at a man who had a confession against him in his
7 first trial, proven to be false.

8 MR. MORFORD: There's no evidence on this
9 either.

10 THE COURT: This is the case they have to
11 work with, Congressman. This is your chance to give them
12 the closing argument. It's in this case.

13 MR. TRAFICANT: And they're getting it.

14 And you know what the problem is? They got a
15 guy to embarrass the hell out of them who then went after
16 the IRS. Through my efforts there is now an Inspector
17 General in the FBI office, and that isn't enough. There
18 should be a three-member team, independent, and when there
19 are matters like Chinese Red Army money, Waco and Ruby
20 Ridge, the FBI shouldn't investigate themselves. And they
21 don't like me.

22 And are all FBI agents bad? No. And there
23 are some great patriots. But they've gotten so powerful
24 they can just put a case up on you and scare you, and scare
25 your wife, and scare your kids, and take your property.

1 And my response? Take this. This is one American who
2 don't want to hear it.

3 Now, I want to know how 60 percent, \$26,000,
4 only accounts for 60 percent of the repairs on a boat that
5 a professional surveyor with a prod -- a prod is where you
6 stick it in the wood, and if it's soft it at some point
7 hits something hard. What did they have to do? I need
8 money. What did the prosecutors say? Traficant had a
9 code.

10 I had codes. Where does he get the right to
11 testify for me, to say what I said? How could he say what
12 Bucheit says? How could he say what DiBlasio says? What
13 are we here about, what people are talking about or what
14 people did?

15 Now -- how much time, Jeffrey?

16 THE CLERK: 19 minutes.

17 MR. TRAFICANT: Don't lie. I'm just kidding.

18 I want to talk about Mrs. Ferrante. I want
19 to talk about rights.

20 They picked her up at her husband's home in
21 Canton. A week before they picked her up her husband
22 long-lined horses. Now, when you sit on a horse's back
23 you're steering with reins. When you long-line them you
24 get about a 30-foot line, you run it from the bit through a
25 wrapping around the stomach, and you go along the line and

1 exercise the horse. They played her a tape. They played
2 it for her twice. She believed that I was responsible for
3 attempting to have her murdered.

4 She testified, and the government agent told
5 her it was in her best interests to go public, no one would
6 harm you. She said, "Well, who is going to harm me?" They
7 said, "Do you want to hear the tape again?" She went
8 public. I'm up for reelection. Greg Tyson, Percy Squire
9 said it, as well, six-inch headlines: "Murder."

10 Then she comes to the grand jury, after all
11 this expense, but when she told them what really happened
12 they said she was a lying shoplifter. She was a queen
13 before then, because they thought they had her just right,
14 mad enough, too. Man, she knew what Jim Traficant did, all
15 those bad things. After she testified she came and
16 apologized to me. She said, "I was used. I was used to
17 hurt you, and I'm sorry."

18 That was her testimony. And she called my
19 wife, apologized to my family, because when the indictment
20 come down her name wasn't mentioned. Neither was the
21 \$150,000 barn I supposedly had built. It's not in this
22 indictment, because it had both of the damn parties taped.
23 And you can throw me out, but I have tapes on every damn
24 one of these people.

25 And they didn't tape me? And none of them are in

1 evidence, are they?

2 MR. MORFORD: Objection, Your Honor. This is
3 entirely improper, and he's been instructed of such, just
4 making things up that aren't in evidence.

5 THE COURT: Numerous times. Congressman --

6 MR. TRAFICANT: Let me ask you this
7 question --

8 THE COURT: Congressman, you don't have much
9 time left.

10 MR. TRAFICANT: How much time do I have?

11 THE CLERK: 15 minutes.

12 MR. TRAFICANT: I'm going to close.

13 THE COURT: No more of this discussion
14 that's --

15 MR. TRAFICANT: When the prosecution --

16 THE COURT: -- outside the evidence of this
17 case.

18 MR. TRAFICANT: When the prosecution had
19 their witnesses on the stand, did you ever have to leave
20 the jury box? Now, when my witnesses were on the stand,
21 how many times did you have to leave the jury box? The
22 only testimony you were allowed to hear that was of any
23 significant value to me was from Dennis Johnson and Michael
24 Terlecky; and quite frankly, because Terlecky had a felony
25 conviction and Johnson had a DUI. But the same

1 circumstances that affect those two affected many others.

2 I've stood right here, I'm ready. I made up my mind.

3 I will not take their bullshit. Excuse my mouth, but

4 that's it.

5 Now, you hurt my family, you don't just hurt

6 me. I mean, where does it end? Where do we call an end to

7 this?

8 If you believed Cafaro, Sabatine, Sinclair, Bucci,

9 Lange, over Tyson, Squire, Anthony Traficanti, Kidwell,

10 Betty Manente, and my witnesses, put me in jail, because

11 they could have said any damn thing they wanted, and they

12 made big friends by saying it. My people told the truth.

13 I want you to make your own mind up. As an

14 American, I'm asking you what separates us from all these

15 other countries is that Bill of Rights that gives us our

16 own choice. Let no one else make it for you.

17 If you believe I'm not guilty, you say it.

18 If you believe I'm guilty, you say it. But don't let

19 anybody else say it for you.

20 Now, the prosecutor said, "Jim Traficant is

21 guilty; guilty, guilty, guilty." It resonated throughout

22 this beautiful room, and all the people heard it.

23 Well, Jim Traficant is just going to say this

24 to you: That's not for him to say, and that's not for me

25 to say. But I don't have the burden. I didn't even have

1 to stand up and take an oath. And if I was worried about
2 this bullshit case, I would have looked at their evidence,
3 quite frankly. And that worries them, that somebody has
4 looked them in the eye, and his voice ain't cracking, and
5 he's mad, but, you must admit, controlling it quite well.

6 How much time, Jeffrey?

7 THE CLERK: 11 minutes.

8 MR. TRAFICANT: I've been a real pain in the
9 ascot. I don't know if you were in the room when I threw
10 the box. If you were, I apologize.

11 I don't totally understand our courts, and I
12 don't want to know them, and I hope to God you never do,
13 either. But you are the Court now, you are the trier of
14 last resort. You're the one who makes the decision.

15 Now, those jury instructions, in my
16 opinion -- all I did was write a note to the Judge and
17 asked her to be fair. And I haven't heard her last part,
18 but I think she's been fair so far. And if I don't think
19 she's fair in the last part, you'll sure hear about it.

20 I'm tired of being pushed. When they go back
21 15 years, you can tell that to Barney Fife.

22 Several last things. Look very carefully.
23 Who took this off the screen? Matthew?

24 I've written it down there, Defense Exhibit
25 1007-AA. They feverishly attempted to corroborate the

1 testimony of their witnesses. And when they come with the
2 lame excuse "the boiler room," spare me.

3 There's a thing in the courtroom called the
4 truth. There are people who walk out of court that are
5 guilty, and there are innocent people who go to jail.
6 There have been people in jail for rape for 27 years; now
7 new technology through DNA has found they weren't the
8 rapist.

9 That's why it's so important that you don't
10 just accept what someone says. You look and see what they
11 do. In this case, you look and see what they proved.

12 I sure as hell didn't go investigate Al
13 Lange. I don't know if Al Lange put money in his pocket,
14 but I know that J.J. Cafaro and Al Lange were a team when
15 they testified.

16 Mr. Cafaro surely didn't pay for his
17 testimony to put Mr. Cafaro behind bars.

18 It's been a long trial, quite frankly. They
19 took seven and a half weeks, I only took three. I think it
20 would have been shorter.

21 There are other matters of evidence I want
22 you to look at. Look at the exhibits. Look at that survey
23 on the boat. Remember what the guy said from the rental
24 car: He was paid by the Congressman. Remember what the
25 woman said from T. C. Redi-Mix: That was concrete

1 evidence.

2 I was under no obligation to do that. But
3 you know what predeposition is? You want to see signs of
4 innocence.

5 And now I want to close with Jackie Bobby and
6 Grace. They were two of my most important employees, but
7 they got to the point where they thought they were the damn
8 Congressman. And I'll be damned -- and they objected to an
9 appointment I made of an older woman because of the wage I
10 paid her, because she tolled all her life at a low wage,
11 and I decided to pay her a decent wage so she'd have maybe
12 some retirement, and I don't have to explain that to
13 nobody.

14 I never compelled anybody to go to my farm, I
15 never threatened anybody that they had to go to my farm.
16 There's not one damn bit of evidence that anybody gave me
17 any money other than their circumstantial rap.

18 And if Mr. Kidwell wasn't in to build that
19 prototype, why did he have the blueprints? And by the way,
20 Mr. Kidwell testified I owned two horse trailers, and he
21 had just repaired the one, and he owed me money because he
22 said I gave him a cap worth a thousand dollars for a
23 pick-up that wouldn't fit mine anymore, and he had to repay
24 me. And he was in that truck when he picked me up in front
25 of that YSU building where Cafaro said he took me around

1 the block and gave me \$13,000. You know, that guy that lied
2 under oath but said he didn't lie and commit perjury?

3 And you know what? Mr. Kidwell would build
4 this better than the prototype. And if the Judge finds it
5 in her heart, she'll let you read a 302 --

6 MR. MORFORD: Objection, Your Honor.

7 THE COURT: Sustained.

8 MR. TRAFICANT: I'm going to leave this here
9 for you, because that's about the only thing they can't
10 lift a print from. They might have a hundred or 200 or 300
11 or 400 or 500, I don't know what denomination those bills
12 are in, as many of them as there are supposed to be. Do
13 you think the FBI goes over them with a fine tooth comb? I
14 don't know.

15 If I've offended you, I apologize. For
16 taking too much of your time, I apologize. But you have a
17 tough duty. If you believe I'm guilty, you come out and
18 just say it. I'll accept it like a man. But if you
19 believe in your heart I'm not guilty, I want you to look at
20 that prosecutor right in the damn eye, because that's what
21 makes us free.

22 In this courtroom the people still govern. I
23 wish I could say that about our government.

24 Thank you for listening.

25 THE COURT: Thank you. We'll take about a

1 ten-minute break. We are not going to take a lunch break
2 at this point because the remaining time on closing
3 argument and final instructions is not a long time. So I'm
4 going to give everybody a ten minute break, but ask the
5 lawyers and the defendant to stay back for a moment, and
6 juror number 3.

7 Thank you.

8 THE CLERK: All rise for the jury. This
9 Honorable Court is now in recess for ten minutes
10 (Jury out at 12:01 p.m.)

11 (At side-bar with Juror Grodi off the record.)

12 (At side-bar with Juror Grodi on the record, with
13 counsel and pro se defendant present.)

14 THE COURT: We have enough alternates.

15 JUROR GRODI: In fairness to you and to you,
16 I mean, my head hasn't -- I probably heard probably not
17 half of what you guys said this morning, and I don't think
18 that's fair to you.

19 THE COURT: That's an important
20 consideration, but let me just tell you a few things,
21 because you still have some continuing obligations.

22 JUROR GRODI: You don't have to worry.

23 THE COURT: Let me just tell you what they
24 are. You're excused, and we will put an alternate in.

25 Until there is a verdict delivered in open

1 court, and we don't know when that will be, but you can
2 call in and check if you want to, you're still under your
3 admonitions not to let anybody talk to you about the case,
4 not to talk to anyone about the case.

5 You have the 24-hour number. If anybody puts
6 you under any pressure on this case, then you call that
7 24-hour number, but do not let anybody get you involved in
8 talking about this.

9 JUROR GRODI: Okay.

10 THE COURT: Because you're leaving at a key
11 time. You've been here for a long time, and the jury is
12 just about to go into deliberations.

13 JUROR GRODI: Well, I mean, you don't have
14 to worry about that.

15 THE COURT: Okay. I won't worry about it,
16 but I have to say it and say it to you with everyone here,
17 and on the record.

18 JUROR GRODI: Right.

19 THE COURT: And so then let me take you
20 beyond that. The verdict will come in at some point, and
21 once that's happened, like every other person who served on
22 the jury or who was an alternate, you're free to talk or
23 not, as you wish.

24 Remember though that you never speak for
25 another juror.

1 JUROR GRODI: I won't.

2 THE COURT: It's been nice having you here.

3 JUROR GRODI: I'm sorry about this.

4 THE COURT: But you can't help it.

5 MR. MORFORD: We understand.

6 THE COURT: Especially right at the end, too.

7 Thank you.

8 JUROR GRODI: Pretty good learning

9 experience.

10 THE COURT: My clerk will give you some
11 things so you can actually go. And please go back and say
12 good-bye to everybody.

13 JUROR GRODI: Yeah. They were all upset,
14 too. This isn't that easy, too. Sorry.

15 MR. MORFORD: We're very sorry for that.

16 THE COURT: We appreciate your work.

17 JUROR GRODI: What do I do? Go back there?

18 THE COURT: Lynn will help you out. You go
19 home, and stay under the admonitions.

20 JUROR GRODI: No, I won't talk to anybody.

21 THE COURT: Could you tell Alternate 1 to
22 come sit here, and I'll make an announcement to the rest of
23 the world at some point.

24 I guess I should do that now.

25 (End of discussion at side-bar.)

1 THE COURT: For those of you who are in the
2 back, as soon as we come back in after this ten-minute
3 recess, we'll announce what went on, why it went on, and
4 you'll all have the same information at the same time.

5 Okay? Thank you.

6 (Recess had.)

7 (Jury in at 12:18 p.m.)

8 THE COURT: Juror number 3 has asked to be
9 excused due to a death in his family, and alternate number
10 1 has replaced juror number 3. That bumps each of our
11 alternates up a number just in terms of the way we seat you
12 and refer to you when we use your numbers.

13 Thank you. We'll proceed. Mr. Morford.

14 MR. MORFORD: Thank you, Your Honor.

15 Ladies and Gentlemen, Congressman Traficant
16 just spent an hour and a half addressing the evidence in
17 this case.

18 In the final analysis, what did he tell you?
19 He told you he's never even looked at the evidence in this
20 case. Six binders full of documentary evidence that firmly
21 establishes that he did the very things he's charged with
22 doing, that he did perform official acts for these people,
23 that he did immediately have them out to his farm and his
24 boat to do work, and that he did not pay them for the fair
25 value of that work.

1 Those things are not disputed, and that's
2 where you start as you start to look at these charges.

3 Now, if you think about what Congressman
4 Traficant just told you, he just described for you a world
5 that is very different from the world in which we live. He
6 described for you this incredible world that's filled with
7 coincidences, convenient excuses and convoluted conspiracy
8 theories.

9 In his world, it's just a coincidence that he
10 asked Tony Bucci, Greg Tyson, Pete Bucheit, Dave Sugar,
11 James Sabatine, and the people from USAG to come out and do
12 things for him immediately after he'd done official acts
13 for them. That's all just a big coincidence.

14 It's also a coincidence that none of them is
15 actually in the business of doing what he has them out to
16 do. Think about it. What are Tony Bucci and James
17 Sabatine? They're commercial highway pavers, and they're
18 out cleaning up the farm, taking down trees, dredging out
19 creeks. That's not the business they're in. There are
20 people that do that work. He could have looked up in the
21 Yellow Pages and called them and had them out. But he
22 doesn't do that. He has these contractors come out and do
23 work they don't even do.

24 Greg Tyson and Dave Sugar were commercial
25 utilities contractors. Pete Bucheit builds malls and

1 office buildings. He doesn't have a home improvement
2 business. In fact, he had to go out and find a carpenter
3 and hire him to send him out to do the work because they
4 didn't do that kind of work. These were not legitimate
5 business transactions.

6 And USAG is a high tech laser company --

7 MR. TRAFICANT: Objection. Bucheit didn't
8 testify. That will be enough of that.

9 THE COURT: You can continue.

10 MR. MORFORD: Look at USAG. They're a high
11 tech laser company. They're not a car rental agency.
12 They're not a boat repair company.

13 Allen Sinclair was a personal injury lawyer.
14 He was not an economic development specialist. He had no
15 experience in that area whatsoever.

16 It's also convenient that Congressman
17 Traficant's employees, employee after employee after
18 employee, are out there working on his farm and working on
19 his boat. That's not disputed, that they were out there.
20 It's just a coincidence. And it's a coincidence that
21 witness after witness after witness, including many of his
22 own witnesses -- he keeps wanting to call them government
23 witnesses. He called them. He put them on the stand.
24 Those were his witnesses. Those are his employees. Those
25 are his friends, his cronies. And even they came in and

1 testified to this repetitive pattern that occurs over and
2 over and over again.

3 But that's how it is in his world.
4 Everything is a coincidence or some nefarious conspiracy.

5 The problem is: Common sense doesn't exist
6 in the world he just described to you for the last hour and
7 half, but it does exist here. You see, that's why you're
8 here. That's what we do in America. We bring in ordinary
9 citizens who have good, old-fashioned common sense. And we
10 ask them to look at the facts that are in evidence, not
11 inadmissible stuff that's not properly before a jury,
12 because it's not reliable, but the evidence that's in the
13 case, and apply their good common sense to it.

14 And when you apply your common sense to the
15 evidence in this case, what does it show you? It's
16 interesting, Congressman Traficant said that I told you he
17 was guilty. No. I told you that the evidence tells you
18 he's guilty because that's what you need to do. You need
19 to focus on what the evidence says, not what I say, not
20 what he says, not what anybody else says. It's what the
21 evidence and the testimony and documents say.

22 Congressman Traficant spent an hour and a
23 half, and he talked about everything under the sun except
24 for one thing, the actual evidence and documents and
25 testimony in this case as far as what people actually said.

1 He talked about freedoms being eroded and the
2 IRS is bad and the FBI is bad and the government is bad.
3 Who's he? He's the government. He's a U.S. Congressman,
4 one of the 435 most powerful people in this country. If
5 the government is so bad, what's he been doing for 18
6 years?

7 He talks about everything but the evidence.
8 And then he says they don't have a damn thing. We don't
9 have a damn bit of evidence. His words; not mine.

10 How would he know? He told you he never
11 looked at the evidence. How would he know whether there's
12 any evidence or not?

13 And make no mistake, when he starts talking
14 about the fact that this was something corrupt, what he's
15 really saying, what he's really saying is that I'm corrupt,
16 and Matt is corrupt and Bernie is corrupt. We're all
17 corrupt and we're all out to get him.

18 Well, your job is, again, to focus on the
19 evidence, those six binders full of documents.

20 As you heard the arguments that he just made
21 for the last hour and a half, I want you to think about one
22 thing, and he brought it up, mentioned it. Michael
23 Roberts, I think he called him a money expert. You recall
24 him.

25 What happened when he came on the stand? He

1 came on and suggested to you that maybe Allen Sinclair,
2 when he took that \$2500 cash out of his paycheck every
3 month, didn't give it to Congressman Traficant. And he
4 showed you some records that showed that there were some
5 \$2500 deposits into an IOLTA account, his law client
6 account. And he suggested to you that possibly those
7 transactions could be the redeposit of the cash that was
8 going into the IOLTA account instead of to Congressman
9 Traficant.

10 And then it wasn't until cross-examination
11 when I asked him, "Sir, did you ever pull any of the
12 deposit items to see what those actually were?" And he
13 officially said, "Yeah, three of them and those were
14 checks, so those wouldn't count."

15 "Well, did you bother to look at the other
16 11?

17 "No. We didn't have time."

18 And then I came back and I showed him the
19 actual checks that were deposited, payments from clients,
20 from insurance companies that were properly deposited into
21 an IOLTA account. What did he tell you? He said, "My
22 entire thesis, my entire testimony is irrelevant."

23 You know, you go to a carnival, and they have
24 something called cotton candy where they take a little
25 sugar and spin it around real fast, and suddenly it becomes

1 a big mound of fluff that looks like something. You buy it
2 and take a bite. The minute you take a bite, it disappears
3 because there's nothing there.

4 That's what that testimony was. You take a
5 few deposits, and you make it look like something that it's
6 not, and then you get confronted with the actual documents.
7 You take a bite into it, and there's nothing there.

8 Congressman Traficant talked an awful lot
9 about fingerprints, that there's no fingerprints. We told
10 you that right up front. Joe Bushner testified very early
11 in this case. And what did he tell you? The documents
12 that matter, the money, the burned envelopes, there were no
13 fingerprints at all. And he explained to you why that is,
14 and it makes perfect sense. And you can go back and pull
15 on his testimony about that. It's very difficult to get
16 fingerprints from paper documents because paper tends to
17 absorb the very things that leave fingerprints. Sometimes
18 you get them; sometimes you don't.

19 But with all those bills, there's no
20 fingerprints. Not just not Congressman Traficant's
21 fingerprints, none at all. Those were in evidence; those
22 were available. He had access to them. He could have
23 examined them. And while he's right, he doesn't have any
24 duty to do any of that, he could have. There were no
25 fingerprints, period.

6 In fact, there was only one piece of evidence
7 that even mattered in the entire case that had a single
8 fingerprint on it, and it wasn't Congressman Traficant's.
9 And we told you that, and it was this envelope right here.
10 But look: This is full of cash (indicating) and I've
11 pulled that out, and I hand it to somebody because I'm a
12 former sheriff and I don't want my fingerprints on it.
13 Would there be a fingerprint on it? No. His fingerprints
14 are not on this. They're not on anything. So what? Does
15 that mean he's innocent?

18 Now, we put in a document that shows that
19 lots of other documents were looked at. Agent Bushner told
20 you what happened. There was one piece of Bucci evidence,
21 that handwritten list that numerous of his employees looked
22 at and identified it as his handwriting, that they wanted
23 to see if any of his prints were on that, and it came back
24 no prints. There were no prints on it.

1 other documents that have been obtained for Buccis, their
2 own internal business records that Congressman Traficant
3 would have never seen, would have never touched, all those
4 got printed, and some of those, not many, did have
5 fingerprints, probably a tenth of all those paper
6 documents. But we wouldn't expect his fingerprints to be
7 on any of those. It's irrelevant.

8 The whole fingerprint issue is nothing but
9 more cotton candy.

10 He talked about tapes. Why didn't they tape
11 me? Why aren't there tapes in this case? Agents Bushner
12 and Hassman explained to you why the decision was made not
13 to tape record Congressman Traficant. And the biggest
14 factor was this: We were investigating historic crimes
15 that had already occurred. And Agent Hassman explained
16 when you're doing that, it's very difficult to get tapes.
17 You end up getting self-exculpatory tapes where the people
18 come in and deny everything.

19 Why? Because they know they're under
20 investigation. They're not going to talk like that,
21 particularly when you have a case like this, where you have
22 a defendant like Congressman Traficant who the evidence
23 shows knew he was under investigation in December of 1999,
24 over a month before Allen Sinclair came in and began to
25 cooperate, was taking Allen Sinclair places, telling him he

1 couldn't talk to him in the car because he was afraid it
2 was bugged.

3 He was a touchy-feely guy. Allen Sinclair
4 was nervous. His father was dying. They didn't think he
5 could pull it off. And more important, Congressman
6 Traficant was paranoid about being tape-recorded in the
7 first place.

8 Paul Marcone, his own friend and chief of
9 staff, told you how Congressman Traficant pulled him out of
10 the office and took him all the way down the congressional
11 halls to the elevator because he was afraid the FBI had his
12 congressional office wiretapped.

13 He wouldn't talk to Allen Sinclair in the
14 car. When Allen Sinclair borrowed somebody else's car, he
15 still wouldn't talk. He talked in code because he was
16 afraid he was going to be tape-recorded.

17 This is just more cotton candy.

18 He says there's no evidence that Al Lange
19 paid for the boat repairs. That's just not true. Al Lange
20 kept detailed records, and you saw those records.

21 They're in evidence. Running tallies, signed
22 receipts, cancelled checks, and even photographs of Ernst
23 deGroot doing the work on the boat.

24 Take a look at Government's Exhibits 3-36,
25 8-37, 8-38 and 8-69. That's documentary evidence

1 documenting what was done on that boat.

2 Congressman Traficant says that Leisel
3 Bucheit never said that he didn't pay. What's your
4 recollection of the testimony? What she said was she left
5 the company, but not until 1996, three years after the work
6 was done, and at the time she left he had not made any
7 effort to pay. Three years later they had not received a
8 penny.

9 Just assume that's all it is. Then
10 Congressman Traficant had an interest-free loan of \$30,000
11 for three years. Is that something of value? Absolutely.

12 Congressman Traficant argues that Allen -- Al
13 Lange's legal fees were paid by J.J. Cafaro and, therefore,
14 you should set aside and throw out his entire testimony.

15 The testimony was that Al Lange was working
16 for J.J. Cafaro's company when the investigation started.
17 And his only legal problem was coming about because of the
18 work he had been doing for that company, and so the lawyer
19 who was hired to represent Mr. Cafaro and the company
20 talked to Al Lange, came back and said, "You know what? Al
21 Lange needs his own lawyer looking after his own
22 interests," and suggested the company should pay that, and
23 they did.

24 But what did they get for their money? He
25 came in and sat on the stand, as Congressman Traficant

1 reminded you, and said, "I don't trust J.J. Cafaro. I
2 don't like J.J. Cafaro." But the most important thing he
3 said is, "At the advice of my independent counsel, no
4 matter who he was being paid by, I provided information to
5 the FBI against J.J. Cafaro that ended up getting J.J.
6 Cafaro charged."

7 Does that sound like somebody that's being
8 paid off?

9 And again, when you think of testimony of
10 people like Al Lange, look at the corroboration. Look at
11 what the documents say. Look at what the other witnesses
12 say. And then ask yourself: Does what he's saying make
13 sense?

14 Rather than address the massive amount of
15 physical evidence that there is in this case, Congressman
16 Traficant wants you to shift your focus to all these side
17 issues that he talked about for the last hour and a half,
18 what we could have done instead of what the evidence that's
19 before you proves.

20 But the issue is not what we could have done,
21 would have, could have, should have. The issue is based on
22 the evidence that you've been given in this case, do you
23 believe that Congressman Traficant is guilty as charged
24 beyond a reasonable doubt. And he mentioned that topic,
25 but remember, that's not something that Judge Wells cooked

1 up just to apply to this case. That's the standard that
2 applies to every single criminal case across this whole
3 country. And every single jury that's ever convicted a
4 defendant has done so under that burden.

5 What the evidence proves is this repetitive
6 pattern that simply cannot be explained away.

7 Congressman Traficant talked about the boat
8 survey. The boat survey was prepared by the very guy that
9 was trying to get Al Lange's business in the first place,
10 and Al Lange told you what happened with that. They
11 overstated the value of the boat and understated the value
12 of the repairs so Al Lange would go ahead and do the boat
13 deal so they could make money.

14 And how do you know that? You know that
15 because of Congressman Traficant's own cross-examination of
16 Al Lange. Do you remember when he said to Al Lange, "Al,
17 isn't it true there are companies out there that buy boats
18 like mine, they renovate them and sell them at a profit?"
19 And Al Lange said, "Yes." If that boat was worth 30- to
20 \$35,000, why didn't Congressman Traficant take it to one of
21 those companies and sell it to them for \$26,000 so they
22 could make a quick, if it was going to be worth 42 at the
23 end, a quick 16,000?

24 Or why didn't he take it to some
25 disinterested third party? Why would he take the risk and

1 try to sell it first to Bucci, and then to Bucheit, and
2 then to Cafaro, if it's really worth all that money? Why
3 risk the appearance of impropriety?

4 MR. TRAFICANT: Objection.

5 MR. MORFORD: Why face the potential ethics
6 issues?

7 MR. TRAFICANT: Bucheit offered no evidence
8 to that.

9 MR. MORFORD: Bob Gatti testified to that.

10 MR. TRAFICANT: Objection.

11 THE COURT: Congressman. Congressman. You
12 can continue.

13 MR. MORFORD: You will recall the testimony
14 of Bob Gatti about the boat.

15 Why create these potential ethical issues and
16 create the potential bad press when you're so worried about
17 this big, tough election that's coming up? Why? There's
18 only one answer to that question: Because the boat wasn't
19 worth \$30,000 or \$35,000. It wasn't worth \$26,000, because
20 it was rotting away in the water getting ready to sink.

21 Remember what he told Paul Marccone? "I've
22 got to get rid of this boat. You've got to unload this
23 boat." It was a problem.

24 It is kind of like the issue of the ownership
25 of the farm. At the beginning of the trial, he suggested

1 it wasn't even his farm. Then witness after witness after
2 witness came in, and when they were asked, usually by him,
3 they'd say, "Well, it was my understanding it was your
4 farm." And they were his horses. And it was his horse
5 operation that was taking place on the farm.

6 Remember what Sandy Ferrante said. Who told
7 her she could live in the farmhouse? It was Congressman
8 Traficant. And who was it who told Dave Manevich and gave
9 him the go-ahead for each little job added to the job? It
10 was Congressman Traficant. And who sent Tony Bucci, Greg
11 Tyson, Dave Sugar, George Buccella, Anthony Traficanti,
12 Rich Rovnak out to the farm to do the work? It was
13 Congressman Traficant. Congressman Traficant. Congressman
14 Traficant.

15 And regardless of whose name they put the
16 ownership in, it's no different than 11 Overhill Road. It
17 was Henry DiBlasio's business whether he put it in Jeren's
18 name or Chuirazzi's name. Why? Because he was the one
19 that exercised dominion and control.

20 And it was Allen Sinclair's building whether
21 he put it in his wife's name or KAS, because he exercised
22 dominion and control. And it's Congressman Traficant's
23 farm because he exercised dominion and control, and he was
24 the one who benefited personally from every one of those
25 jobs that was done out there, because they all helped his

1 horse operation.

2 The issue of the farm ownership is just more
3 cotton candy.

4 He talked about all these witnesses that were
5 immunized. Tony Bucci, James Sabatine, Sugar, Cafaro.
6 They weren't immunized. You heard about the plea
7 agreements. They were not immunized. The only witnesses
8 that were immunized were five of Congressman Traficant's
9 own employees who wouldn't testify about their dealings
10 with Congressman Traficant without immunity, and one other
11 witness, Al Lange, and then one of his witnesses, Greg
12 Tyson. That's it, out of 55 witnesses.

13 And remember, he talked a lot during this
14 case and during his questioning about Tony Bucci. What a
15 terrible guy Tony Bucci is. And he had Greg Tyson tell you
16 what an awful guy Tony Bucci was.

17 He called him a liar and a thief, and a
18 convicted felon. But there's one name he forgot to
19 mention. It was the name that Tom Williams testified to.
20 Do you remember Tom Williams, when he said Congressman
21 Traficant said to him, "Why did you get so mad about this?"
22 And he said, "You're darned right I got mad. You took the
23 side of two people you constantly referred to as your
24 friends over 3,000 people who wanted to be in that damn
25 park on a holiday weekend," quote-unquote.

1 And my question to you is not was Tony Bucci
2 a bad guy. We brought that out in his direct examination.
3 He was a really bad guy. The question is: Why is a U.S.
4 Congressman embracing this bad guy? And why does he
5 continue to embrace him after he knows he's a convicted
6 felon? Why does he continue to embrace him after Greg
7 Tyson has told him all the terrible things he's done to
8 Greg Tyson, trying to put him out of business?

9 That took place in 1994, yet he's still going
10 to bat for him in 1995 and 1996.

11 Why does he continue to embrace him after Tom
12 Williams tells him what a creep Bucci is and all the
13 terrible things Bucci is doing. Who's side does he take?
14 He threatens to call the head of ODOT and the governor and
15 the governor's chief of staff to get Tom Williams fired for
16 doing what? For trying to enforce the law against this
17 guy.

18 Why is Congressman Traficant embracing him
19 and trying to fire Tom Williams? Or pushing the Department
20 of Labor to let these people still do business even though
21 they are crooked, or pushing ODOT or pushing Mahoning
22 County into contracts they don't want to do? Why does he
23 keep doing that if these people are so bad?

24 You know why. Because the evidence shows
25 why. His own handwritten to-do list he gave the Buccis

1 tells you why. It is because they were doing what
2 Congressman Traficant wanted to have done.

3 It's the same reason he embraced J.J. Cafaro
4 and Sugar and Sabatine. The same reason he hired Allen
5 Sinclair.

6 You know, there's an old saying: Tell me who
7 you're running with, and I'll know what you're up to.

8 He's the one that chose to run with these
9 people, these felons, these crooks, as he describes them.

10 Now, as you consider the testimony of some of
11 these people, don't just think about what they testified
12 to, but also think about what they didn't testify to. For
13 instance, Dave Sugar. If Dave Sugar is lying to curry
14 favor, why wouldn't he say, "You know what? When I made up
15 those false invoices, I only did that because Congressman
16 Traficant told me to."

17 That's not what he said. He said, "No,
18 Congressman Traficant had nothing to do with that. I did
19 that on my own."

20 If he's lying to curry favor, why doesn't he
21 go all the way?

22 Another example, J.J. Cafaro, he testified
23 about the Jeep and the two Avantis, and I said to him,
24 "Were those gratuities?" And he said, "No. Those were
25 actually -- that was going to be a sale. He just hadn't

1 paid me for them."

2 If J.J. Cafaro is lying to curry favor, why
3 doesn't he say, "Absolutely, those were more gratuities"?
4 But that's not what they said, so think about not only what
5 these witnesses said, but what they didn't say.

6 Allen Sinclair, he says you shouldn't believe
7 him because Allen Sinclair was facing bar disciplinary
8 matters. What matters? There was a minor infraction
9 involving advertising. And Allen Sinclair told you what we
10 told him: "Whatever problem you have with the bar, that's
11 your problem. We're not getting involved."

12 And Congressman Traficant brought out through
13 cross-examination that Allen Sinclair could possibly lose
14 his law license because of the misconduct that he admitted
15 to you in this case, giving kickbacks to Congressman
16 Traficant. And ask yourself this: Why would Allen
17 Sinclair make this up and put his law license in jeopardy?
18 That's his meal ticket.

19 Why would he give the FBI \$24,500 of his own
20 money? And how is it that within a couple days of his
21 first interview with the FBI, he is able to come up with
22 \$24,500 in cash? And you saw his bank accounts. It wasn't
23 coming out of there, and burned envelopes that just
24 happened to have Henry DiBlasio's handwritten notations
25 "J.T. personal." How does he pull all that off in a couple

1 days?

2 Congressman Traficant also told you that you
3 should pay really close attention to his witnesses, and you
4 should. Remember who those witnesses were. They were his
5 employees, his friends, his loyalists, biased witnesses who
6 admitted that they liked him. And as you think about their
7 testimony, think about what Paul Marccone told you happened
8 to him when Congressman Traficant took him out in the
9 hallway and tried to put words in his mouth. This was
10 Congressman Traficant's cross-examination, by the way.

11 "Paul, there's an opinion being widely
12 circulated that I tried to get you to lie to the grand
13 jury. Is that true?"

14 "You suggested what I should say if I were
15 asked about certain individuals."

16 He persisted: "Did I ask you to lie to the
17 grand jury, Paul?"

18 "What you did is, you asked me -- you were
19 trying to put words in my mouth."

20 Then he comes back again on redirect and he
21 says, "So other than that conversation where you felt I was
22 trying to put words in your mouth, is that your words, was
23 there anything else ever?"

24 "Anything in terms of what?"

25 "In terms of this case."

1 "I mean, we had no discussion about this
2 case."

3 You know, it's amazing. At the time he asked
4 that question, he knew he had talked to Paul Marccone again
5 just two weeks before Paul Marccone took the stand, because
6 I came back on recross.

7 I said, "Mr. Marccone, Congressman Traficant
8 just asked you some questions if there were ever any other
9 discussions between you and him about this case other than
10 that time when he brought you out in the hallway. Did he
11 ever talk to you in the last few weeks about this case?

12 "Answer: He called me several weeks ago and
13 I returned his phone call.

14 "Questions: Was there anything about that
15 discussion that made you feel uncomfortable?

16 "Answer: The issue of Henry and Allen came
17 up again, and he was trying to elicit from me that Henry
18 and Allen worked hard, and I recall again reiterating I
19 couldn't speak to that issue.

20 "Question: But that's something you'd
21 explained to him all the way back in the hallway two years
22 ago, correct?

23 "Answer: That's correct.

24 "Question: And now two weeks before this
25 testimony, he's asking you again if you'll say something

1 that you've already told him you can't say?

2 "Answer: That's correct.

3 "Question: And did it bother you?

4 "Answer: I wouldn't be human if it didn't
5 bother me."

6 And then he said one last thing that is very
7 important, he said to you, "He told me, 'I'm fighting for
8 my life, and I need some help here fighting for my life.'".

9 Remember that testimony and the way he tried
10 to put words in Paul Marccone's mouth as you think about
11 what his loyal cronies came in and said on this case.

12 On direct examination, Anthony Traficanti and
13 Bob Barlow both came in and testified that Henry DiBlasio
14 worked hard, the very thing he was trying to get Paul
15 Marccone to say that Paul Marccone wouldn't say. But what
16 happened on cross-examination? They had to admit, Anthony
17 Traficanti, that he never worked directly with him, he and
18 Henry had a hi-bye relationship, no one was allowed on the
19 second floor, and Anthony Traficanti never had any business
20 going up on the second floor.

21 Bob Barlow had to admit on cross-examination
22 that it was infrequent for Henry to be involved in strikes.
23 That's supposedly the big thing he does. He said there
24 were three or four in the period of 11 years.

25 There was other testimony that they generally

2 He said he worked downstairs and didn't know
3 what Henry was doing during the day and that he had no idea
4 how much congressional work Henry did or didn't do.

10 Even though USAG had a professional
11 legitimate trailer manufacturer located right in
12 Congressman Traficant's district, that Congressman
13 Traficant set up for them supposedly. Now they're going to
14 leave that professional manufacturer when they're going to
15 get a big Army contract and have this joker build them out
16 of his garage. Does that make any sense? And where is the
17 evidence for that? It's ridiculous.

19 THE COURT: Ladies and Gentlemen, you heard
20 the evidence in the case, and so you have to rely on your
21 own recollection.

23 MR. TRAFICANT: Object to referring to a
24 party as a joker. That's uncalled for.

1 MR. MORFORD: You will also recall the
2 testimony that they didn't even get the Army contract until
3 when? April of 2000. And yet if you look at the receipts
4 on the welder and the generator, they're bought and sent in
5 May and June of '99. Nine or ten months before they even
6 have the contract. It's nonsense.

7 And he'd have you believe that they
8 drop-shipped them to Virginia so they could put them on his
9 trucks so he could drive them back to Mr. Kidwell so
10 Mr. Kidwell could build these for the Army. But on
11 cross-examination, Mr. Kidwell acknowledged that
12 Congressman Traficant had talked to him about building an
13 aluminum trailer that would have a sleeping compartment,
14 but he didn't have an aluminum welder to do it, which is
15 exactly what Al Lange testified to about the very first
16 meeting when the welder was mentioned.

17 Lo and behold, this same hunting buddy,
18 Mr. Kidwell, not only can provide this excuse about the
19 welder, he claims he was there at YSU sitting in his truck
20 waiting to pick up Congressman Traficant. Imagine that.
21 What an amazing coincidence. How lucky can Congressman
22 Traficant be? The same guy that can give the excuse on the
23 welder is going to be able to talk about YSU.

24 But you know what's interesting? Compare the
25 testimony of Mr. Kidwell and Percy Squire. What did

1 Mr. Kidwell say? Mr. Kidwell said that Congressman
2 Traficant was the first to leave. Mr. Squire said he was
3 one of the last to leave.

4 MR. TRAFICANT: No, he didn't.

5 MR. MORFORD: Mr. Squire said he walked out
6 with Congressman Traficant and watched him get into his
7 truck. Mr. Kidwell, asked by Mr. Traficant to describe the
8 person that walked out with him, said, "It was a shorter
9 fellow with gray hair."

10 Does that sound like a description of Percy
11 Squire? Their stories don't even match up. They
12 contradict each other.

13 Remember what else Percy Squire admitted: He
14 admitted that he could not say that Congressman Traficant
15 didn't take a few minutes and meet with J.J. Cafaro,
16 because there was no way he could say that.

17 In closing, Ladies and Gentlemen, look at the
18 evidence in this case, and ask yourself this question:
19 What should my office have done that day when Tony Bucci's
20 lawyer called and said, "I have a series of allegations I'm
21 going to give you"? And the allegations were what you
22 heard Tony Bucci say in this case about a sitting United
23 States Congressman. Was it wrong to go out and see if, in
24 fact, as Tony Bucci claimed, that Congressman Traficant was
25 contacting all these agencies on Tony Bucci's behalf? And

1 once we confirmed that, in fact, through documents that
2 happened, was it wrong to try to get documents to see if,
3 in fact, Tony Bucci had done work for Congressman
4 Traficant, like he said he did?

5 And once we established that, was it wrong as
6 we received other allegations about other contractors doing
7 the same thing, people like Dave Sugar and Jim Sabatine and
8 Greg Tyson and Pete Bucheit, to go out and pull
9 documentation on those, as well? It wasn't.

10 THE COURT: Mr. Morford, your time is up.

11 MR. MORFORD: Okay.

12 In closing, Ladies and Gentlemen --

13 MR. TRAFICANT: Your time is up.

14 MR. MORFORD: -- I would ask that you decide
15 this case on the testimony and the evidence. And if you
16 do, you will reach a verdict that is both fair and just in
17 this case. That will be a verdict of guilty.

18 THE COURT: Thank you. The final
19 instructions in this case are not very long, and so it
20 seems to me to be prudent to just go forward with them. Is
21 everybody comfortable with doing that? Is anybody not
22 comfortable with doing that? Okay.

23 First let me give a brief instruction to the
24 alternate jurors. When the jury retires to deliberate,
25 which they will be doing very soon, I'd like all the

1 alternate jurors to remain right where you are, seated
2 here, so I can release you to the marshals.

3 And now we'll give you the section of sort of
4 practical jury instructions in this case.

5 I think you'll find in your books it begins
6 on D-1, and you can follow along or you can just listen if
7 you like.

8 Members of the Jury: Upon retiring to the
9 jury room, you will immediately proceed to select one juror
10 as foreperson. The purpose in appointing or electing a
11 foreperson is not because anyone has any greater weight or
12 authority than anyone else, but to ensure that
13 deliberations are carried on in an orderly fashion. It is
14 the responsibility of the foreperson to confine discussions
15 in the jury room to the evidence and the law in this
16 particular case.

17 This is a criminal case. It requires a
18 unanimous verdict. Each and every one of you must
19 individually consider and judge the evidence. The rules of
20 law which were explained to you in these instructions are
21 binding upon each of you as a member of the jury.

22 It is your duty as jurors to talk with each
23 other about the evidence and to make every reasonable
24 effort to reach unanimous agreement. Each of us has our
25 own personal style. Some are gregarious, some shy, some

1 weigh many factors before they speak, others speak easily.
2 We need all of you to make sure everyone participates
3 fully, so make allowances for different styles. Each of
4 you must decide the case for yourself, but you should keep
5 an open mind as you listen to what your colleague jurors
6 have to say. Do not hesitate to change your mind when
7 you're convinced by others that your original position was
8 wrong, but do not change your mind just because other
9 jurors see things differently or just to get the case over
10 with.

11 Remember that you must make your decision
12 based only on the evidence that you saw and heard here in
13 court. Do not try to gather any information about the case
14 on your own while you're deliberating.

15 For example, do not conduct any experiments
16 inside or outside the jury room. Do not bring any books,
17 like a dictionary, or anything else with you to help you
18 with your deliberations. Do not conduct any independent
19 research, reading, or investigation about the case. And do
20 not visit any of the places that were mentioned during the
21 trial.

22 Make your decision based only on the evidence
23 that you saw and heard here in court.

24 To find a defendant guilty, every one of you
25 must agree the government has overcome the presumption of

1 innocence with evidence that proves guilt beyond a
2 reasonable doubt.

3 To find a defendant not guilty, every one of
4 you must agree the government has failed to convince you
5 beyond a reasonable doubt.

6 Either way, guilty or not guilty, your
7 verdicts must be unanimous.

8 Nothing in these instructions and nothing in
9 any verdict form prepared for your convenience is meant to
10 suggest or convey in any way or manner any idea as to what
11 I think your verdict should be. What the verdict shall be
12 is the sole and exclusive duty and responsibility of the
13 jury.

14 A verdict form for each charge has been
15 prepared for your convenience, which I'll now read to you.
16 You don't find these in your book. There is only one copy
17 of each of these forms. And I think if I hold it up, even
18 though some of you are pretty far away, you'll get an idea
19 as I read through it what we're looking at.

20 For each of the counts in the case, there is
21 a verdict form. And on the top of each verdict form is the
22 same caption you have at the beginning of your jury
23 instructions, which identifies which case this is in. It
24 identifies who the parties are, and it also -- and who the
25 Judge is, and it says, verdict for Count 1, conspiracy, 18

1 U.S.C., Section 371. That's all in the top third of the
2 page.

3 At the bottom part of the page, you'll see 12
4 signature lines, one of which is designated for your
5 foreperson, and under that a date.

6 It's the heart of this, as well as the name
7 of the verdict form, that varies between the counts.

8 This one is Count 1, and it says, "As to
9 Count 1 of the indictment, that is, conspiracy to violate
10 the federal bribery statute, we, the jury, find that James
11 A. Traficant, Jr. is," and then there are two choices.
12 After you've completed all of your deliberations on this
13 count and you know what your unanimous choice is, then your
14 foreman fills out this verdict form, signs it, and each of
15 you signs it.

16 So this on each count is the last thing you
17 do.

18 Here is Count 2, and it looks exactly the
19 same in terms of signature lines and the caption across the
20 top, but it says, "Verdict for Count 2, conspiracy, 18
21 U.S.C., Section 371."

22 And then in the core of it, it says, "As to
23 Count 2 of the indictment, that is, conspiracy to violate
24 the illegal gratuity provision of the federal bribery
25 statute, we, the jury, find that James A. Traficant, Jr.

1 is," and there are the two choices.

2 Now is when this gets a little boring. I'm
3 going to go through each one of them and you'll see, until
4 we get to the last one, they are fairly similar.

5 The same form. Caption on this one is,
6 "Verdict for Count 3, conspiracy, 18 U.S.C., Section 371,"
7 and it says, "As to Count 3 of the indictment, that is,
8 conspiracy to violate the illegal gratuity provision of the
9 federal bribery statute, we, the jury, find that James A.
10 Traficant, Jr. is," guilty or not guilty.

11 This is for Count 4, and it says, "As to
12 Count 4 of the indictment, that is, conspiracy to violate
13 the illegal gratuity provision of the federal bribery
14 statute, we, the jury, find that James A. Traficant, Jr.
15 is," and the two choices are there.

16 This is the verdict form for Count 5, illegal
17 gratuity, 18, U.S.C., 201(c)(1)(B). "As to Count 5 of the
18 indictment, that is, receiving an illegal gratuity, we, the
19 jury, find that James A. Traficant, Jr. is," and you have
20 your choices, signature lines, and date.

21 This is the verdict form for Count 6,
22 obstruction of justice, 18, United States Code, Section
23 1503. "As to Count 6 of the indictment, that is,
24 obstruction of justice, we, the jury, find that James A.
25 Traficant, Jr. is," and your choices are here.

1 Each of these relate right back into the
2 substantive jury instructions that I gave you before as to
3 each count.

4 This is the verdict form for Count 7,
5 conspiracy to defraud the United States, Title 18, U.S.C.,
6 Section 371. "As to Count 7 of the indictment, that is,
7 conspiracy to defraud the United States, we, the jury, find
8 that James A. Traficant, Jr. is," and you choose according
9 to your deliberations and decision.

10 This is the verdict for Count 8, filing false
11 tax return. "As to Count 8 of the indictment, that is,
12 willfully filing a false tax return for tax year 1998, we,
13 the jury, find that James A. Traficant, Jr. is," and then
14 you exercise your decision and record it on this verdict
15 form.

16 Verdict for filing false tax return, and it
17 gives the code section. "As to Count 9 of the indictment,
18 that is, willfully filing a false tax return for the tax
19 year 1999, we, the jury, find that James A. Traficant, Jr.
20 is."

21 Now we come to Count 10, which is a little
22 different. This is the RICO count, and it gives the
23 statute up at the top. It says, "As to Count 10 of the
24 indictment, that is, participation in the affairs of an
25 enterprise through a pattern of racketeering activity, we,

1 the jury, find that James A. Traficant, Jr. is," and then
2 you record your decision here and you sign this.

3 And at the bottom of this page, unlike the
4 other ones, this is a two-page document. It says, "Go to
5 the next page for the special RICO verdict form."

6 The second page is captioned, "Special RICO
7 verdict form, Count 10." And in italics there is some
8 instructive language.

9 The first sentence says, "If you found the
10 defendant not guilty on Count 10, stop here and do not
11 complete this page."

12 Then there's a dividing space, and the next
13 instruction is, "If you found the defendant guilty on Count
14 10, please record which racketeering acts you unanimously
15 found that the defendant knowingly committed by checking
16 the, quote, committed column for those particular acts."

17 And then it lists 11 alleged racketeering
18 acts, and next to each one of them there's a column with a
19 blank that says, "committed."

20 "Act 1, bribery relating to Bucci. Act 2,
21 illegal gratuity relating to Bucheit. Act 3, illegal
22 gratuity relating to Tyson. Act 4, illegal gratuity
23 relating to Cafaro. Act 5, illegal gratuity relating to
24 Sugar, parens, 1999. Act 6, illegal gratuity relating to
25 Sugar, parens. Act 7, illegal gratuity relating to

1 Sinclair. Act 8, illegal gratuity relating to Sabatine.
2 Act 9, mail fraud relating to Buccella. 10, mail fraud
3 related to Traficanti. 11, mail fraud relating to Rovnak."

4 And again, you find 12 signature lines, one
5 of them designated for your foreperson, and a date.

6 You're going to take these verdict forms back
7 to your jury room. When you've reached unanimous agreement
8 as to your verdict for each charge, you will have your
9 foreperson fill in, date, and each of you will sign the
10 forms which set forth the verdicts upon which you
11 unanimously agree. After you have reached a verdict on all
12 of the charges against the defendant, then contact us.

13 Remember that the defendant is only on trial
14 for the particular crimes charged in the indictment. Your
15 job is limited to deciding whether the government has
16 proved the crimes charged.

17 Also remember that whether anyone else should
18 be prosecuted and convicted for these crimes is not a
19 proper matter for you to consider. The possible guilt of
20 others is no defense to a criminal charge. Your job is to
21 decide if the government has proved the defendant guilty.
22 Do not let the possible guilt of others influence your
23 decision in any way.

24 I hope these instructions have been
25 sufficiently clear to enable you to perform your duties.

1 If you have a question about these instructions, it should
2 be discussed first in the privacy of your jury room. If
3 you disagree as to the meaning of these instructions, it
4 may be possible under certain circumstances to review those
5 matters by a request to the Court.

6 If you wish to send any communication of any
7 kind to the Court, you must put it in writing, have it
8 signed by your foreperson, and seal it in an envelope.
9 Then contact the clerk and deliver the envelope to him or
10 her. The clerk will deliver it to me. You may reach the
11 clerk by using the telephone located in your deliberation
12 room. The Court will then contact the parties with your
13 question. You will be notified as to how we will proceed.

14 No member of the jury should attempt to
15 communicate with the Judge by any means other than a signed
16 writing, and only through the foreperson. I will not
17 communicate with any member of the jury except here in open
18 court with all jurors, parties, and counsel present.

19 Until you have reached a unanimous verdict
20 and signed all of the appropriate verdict forms, you are
21 not to reveal to any person, not even the Judge, how the
22 jury stands numerically or otherwise on your deliberations.

23 Deliberations are to take place only in the
24 jury room and only with all jurors present.

25 The admonitions I gave you during the trial

1 in regard to forming or expressing an opinion about the
2 case and discussing the case with your colleague jurors are
3 removed when you retire to the jury room and begin your
4 deliberations.

5 The other admonitions I gave you in regard to
6 the media, radio, television, newspapers, and Internet, and
7 the admonition not to discuss the case with anyone except
8 now your colleague jurors, and not to allow anyone to talk
9 to you about the case, are still in effect until a verdict
10 has been reached and announced in court.

11 Members of the Jury, after your verdict is
12 returned and you are discharged as jurors in this case, you
13 may discuss it with anyone. However, whether or not you do
14 is a matter of your own personal preference. If you decide
15 to discuss this case, please do not speak for any of the
16 other jurors in the case.

17 Ladies and Gentlemen of the Jury, having
18 carefully weighed all of the evidence in this case and
19 applied the law as stated in these instructions, let your
20 verdict be fair and impartial, thus assuring you've been
21 mindful of your solemn oath or affirmation to well and
22 truly try the issues joined in this case.

23 The case is now in your hands for a verdict.

24 (Jury out at 1:09 p.m.)

25 THE COURT: You can all be seated. And now

1 for our four alternates, I need to give you your
2 admonitions as you go forward in your responsibilities in
3 this case. As alternate jurors, you continue to be bound
4 by your oaths or affirmations and your responsibilities as
5 alternate jurors to do justice. Whenever and wherever you
6 are, you shall not discuss this case with anyone.

7 You must not permit yourself to be addressed
8 by any person who wants to discuss this case. If anyone
9 tries to speak to you about this case or puts you under
10 pressure, you know you must report the incident immediately
11 to the U.S. Marshal.

12 In addition, you must not read, watch, or
13 listen to any conversation on the subject of this trial,
14 nor read, watch, or listen to any newspaper, magazine,
15 computer, radio, television, or other information on the
16 subject of this trial.

17 When the verdicts are returned in this case,
18 you will each be free for yourself to decide if you want to
19 talk about the case or not. It will then be a matter of
20 your own free choice. And as you heard me say to the other
21 jurors, please remember not to speak on behalf of other
22 people, jurors or alternates in the case.

23 So now I am going to release you to the
24 marshals for your care, and thank you for your long
25 attention, but you'll be staying with us throughout the

1 balance of this case.

2 (The alternate jurors were excused at 1:11 p.m.)

3 THE COURT: Everybody can be seated for one
4 more minute. I need to talk to the lawyers and the
5 defendant.

6 This is the period of the case where actually
7 the jurors themselves determine the times during which
8 they're going to be deliberating, within limits. They'll
9 put in a full day at least. But as all of you who have
10 been involved in trials know, we never know exactly when
11 we're going to be needed. We have to stay available. I
12 need all the lawyers and the Congressman to stay available
13 to us.

14 I suggest that a 30 to 40-minute distance
15 away from the courthouse is about all we can tolerate. I
16 don't know whether we'll have a jury that will have
17 questions or whether they'll have just one or two, or they
18 may have more than that.

19 We need to be able to reach you. So I need a
20 contact number for everybody, but this has to be a 24-hour
21 number that actually works. And we can't stop everything
22 for long periods of time while we hunt people down.

23 So Congressman, if you'll provide one to my
24 staff.

25 MR. TRAFICANT: I've already talked to Lynn,

1 and I will give her my confidential number where she can
2 reach me.

3 THE COURT: Okay. Very well. All right?
4 Anything further then? Well, enjoy your lunch, and this is
5 yet another phase of this trial.

6 (Trial adjourned at 1:13 p.m.)

7 - - - - -

8 C E R T I F I C A T E

9

10

11

12

13 I certify that the foregoing is a correct transcript
14 from the record of proceedings in the above-entitled
15 matter.

16

17

18

19

20

21

Heidi Blueskye Geizer, RMR, CRR Date

22

INDEX

23

24

25

Closing argument by Mr. Morford.....6222
Closing argument by Mr. Traficant.....6274
Further closing argument by Mr. Morford.....6322